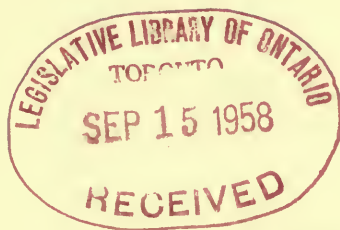


Ontario
Gov't. P.



1907

LEGISLATIVE ASSEMBLY OF ONTARIO

FOURTH SESSION OF THE
TWENTY-FIFTH PARLIAMENT

122221

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

122221

SESSION

FEBRUARY 3rd to MARCH 27th, 1958

INDEX

FOURTH SESSION, TWENTY-FIFTH PARLIAMENT

February 3rd to March 27th, 1958

PRIVATE BILLS

	A	Bill No.
Almonte, Town of—Act respecting.....	37	
Anson House—Act respecting (Withdrawn—not printed).....	89	
B		
Barrie—See <i>Royal Victoria Hospital</i> .		
Belleville, City of—Act respecting.....	31	
Brockville—See <i>St. Peter's Church</i> .		
C		
Canadian National Exhibition Association—Act respecting.....	27	
Canadian Pacific Railway Company—Act respecting.....	15	
Chartered Institute of Secretaries of Joint Stock Companies and other Public Bodies in Ontario, The—Act to incorporate.....	28	
Chatham, City of—Act respecting.....	9	
Chinguacousy, Township of—Act respecting.....	14	
Corporation of the Synod of Toronto and Kingston of The Presbyterian Church in Canada, The—Act respecting.....	33	
D		
Directors of Municipal Recreation of Ontario—Act to incorporate The Society of.....	30	
E		
Eastview, Town of—Act respecting.....	42	
F		
Fort Frances, Town of—Act respecting.....	35	
Fort William, City of—Act respecting.....	40	
G		
Gooderham, M. R., Estate et al Act, 1958.....	29	
Grantham, Township of—Act respecting.....	6	
H		
Hamilton, City of—Act respecting.....	41	
Huron College—Act respecting.....	4	

Kingston—See *Corporation; Queen's University*.

L

Lakeshore District Board of Education—Act respecting	23
Lindsay, Town of, Separate School Board—Act respecting	2
London, City of—Act respecting	19
London, Township of—Act respecting	8
Long Branch, Village of—Act respecting	38

N

Niagara Falls, City of—Act respecting	43
North York, Township of, Board of Education for the—Act respecting	24

O

Ontario Dietetic Association—Act respecting	20
Ottawa, City of—Act respecting	39

P

Port Perry, Village of—Act respecting	11
---	----

Q

Queen's University at Kingston—Act respecting	17
---	----

R

Royal Victoria Hospital of Barrie, The—Act respecting	12
---	----

S

Sault Ste. Marie, City of—Act respecting	44
Sault Ste. Marie, City of—Board of Education for—Act respecting	32
South Peel Board of Education—Act respecting (Withdrawn)	34
St. Michael's College—Act respecting	25
St. Peter's Church, Brockville—Act respecting	3
Stratford Shakespearean Festival Foundation of Canada—Act respecting ..	5
Sudbury Young Women's Christian Association—Act to incorporate	10
Sunnidale, Township of—Act respecting	36

T

Teck, Township of—Act respecting	21
Thorold, Town of—Act respecting	18
Toronto, City of—Act respecting	26
See also <i>Corporation</i> .	

U

United Community Fund of Greater Toronto—Act respecting	88
University of St. Michael's College Act, 1958	25

W

Bill No.

Waterloo, City of—Act respecting.....	7
Waterloo College Associate Faculties—Act respecting.....	16
West Lorne, Village of—Act respecting.....	13
Windsor, City of—Act respecting.....	22
Windsor Jewish Communal Projects—Act respecting.....	1

PUBLIC BILLS

A

Administration of Justice Expenses Act—Act to amend.....	111
Air Pollution—Act to provide for the Control of.....	152
Anatomy Act—Act to amend.....	50
Assessment Act—Act to amend.....	142

B

Beaches and River Beds Act—Act to repeal.....	51
Blind Persons' Allowances Act, 1951—Act to amend.....	102

C

Cancer Act, 1957—Act to amend.....	74
Cemeteries Act—Act to amend.....	75
Certification of Titles of Lands—Act to provide for the.....	66
Charitable Institutions Act, 1956—Act to amend.....	147
Child Welfare Act, 1954—Act to amend.....	90
Conditional Sales Act—Act to amend.....	52
Consolidated Revenue Fund—Act to authorize the Raising of Money on the Credit of the.....	165
Coroners Act—Act to amend.....	132
Corporations Act, 1953—Act to amend.....	71
—Act to amend.....	162
Corporations Information Act, 1953—Act to amend.....	72
Corporations Tax Act, 1957—Act to amend.....	138
County Courts Act—Act to amend.....	53
County Judges Act—Act to amend.....	59
—Act to amend.....	156
Crown Attorneys Act—Act to amend.....	172

D

Damage by Fumes Arbitration Act—Act to amend.....	153
Department of Education Act, 1954—Act to amend.....	48
—Act to amend.....	154
Department of Municipal Affairs Act—Act to amend.....	131
Deserted Wives' and Children's Maintenance Act—Act to amend.....	55
Disabled Persons' Allowances Act, 1955—Act to amend.....	101
Division Courts Act—Act to amend.....	96

E

Bill No.

Embalmers and Funeral Directors Act—Act to amend.....	163
Education, Department of, Act, 1954—Act to amend.....	48
—Act to amend.....	154

F

Fair Accommodation Practices Act, 1954—Act to amend (Lapsed).....	69
Farm Produce in Grain Elevators—Act to regulate the Storage of.....	127
Farm Products Marketing Act—Act to amend (Lapsed).....	49
—Act to amend (Lapsed).....	91
—Act to amend.....	126
Female Refuges Act—Act to amend.....	157
Financial Administration Act, 1954—Act to amend.....	164
Fire Departments Act—Act to amend.....	113

G

Game and Fisheries Act—Act to amend.....	117
General Sessions Act—Act to amend.....	54
General Welfare Assistance to Persons—Act to provide.....	176
Grain Elevators—Act to regulate the Storage of Farm Produce in.....	127

H

Highway Improvement Act, 1957—Act to amend.....	79
Highway Traffic Act—Act to amend.....	128
Homemakers and Nurses—Act to provide for the Services of.....	148
Homes for the Aged Act, 1955—Act to amend.....	122
—Act to amend.....	166
Hospital Services Commission Act, 1957—Act to amend.....	45
—Act to amend.....	169
Housing Development Act—Act to amend.....	184

I

Indian Welfare Services Act, 1955—Act to amend.....	105
Insurance Act—Act to amend.....	87
Interpretation Act—Act to amend.....	56
Investigation of Titles Act—Act to amend.....	86

J

Jails Act—Act to amend.....	99
Judicature Act—Act to amend.....	57
—Act to amend.....	116

L

Labour Relations Act—Act to amend.....	93
Lake of the Woods Control Board Act, 1922—Act to amend.....	141
Land Titles Act—Act to amend.....	65
Law Stamps Act—Act to repeal.....	137
Libel and Slander Act, 1958.....	114
Liquor Control Act—Act to amend.....	161
Loan and Trust Corporations Act—Act to amend.....	177
Local Improvement Act—Act to amend.....	121

M

Bill No.

Magistrates Act, 1952—Act to amend	58
Manitoba-Ontario Lake St. Joseph Diversion Agreement Authorization Act, 1958	144
Mechanics' Lien Act—Act to amend	64
Milk Industry Act, 1957—Act to amend	125
Mining Act—Act to amend	94
—Act to amend	124
Mining Tax Act—Act to amend	123
Mortgages Act—Act to amend	61
Mothers' and Dependent Children's Allowances Act, 1957—Act to amend ..	104
Motor Vehicle Fuel Tax Act, 1956—Act to amend	185
Municipal Act—Act to amend (Withdrawn)	106
—Act to amend	130
—Act to amend	143
Municipal Affairs, Department of, Act—Act to amend	131
Municipal Franchise—Act to provide for the Extension of the	160
Municipal Unconditional Grants Act, 1953—Act to amend	77
Municipality of Metropolitan Toronto Act, 1953—Act to amend	174
—Act to amend	180

O

Old Age Assistance Act, 1951—Act to amend	103
Ontario Anti-Discrimination Commission, The—Act to establish	155
Ontario Fuel Board Act, 1954—Act to amend	178
Ontario Highway Transport Board Act, 1955—Act to amend	151
Ontario Loan Act, 1958	165
Ontario Municipal Board Act—Act to amend	120
—Act to amend	181
Ontario School Trustees' Council Act, 1953—Act to amend	47
Ontario-St. Lawrence Development Commission Act, 1955—Act to amend ..	83
Ontario Water Resources Commission Act, 1957—Act to amend	167

P

Pipe Lines Act, 1958	182
Police Act—Act to amend	133
Power Commission Act—Act to amend	110
Private Investigators Act, 1958	115
Provincial Land Tax Act—Act to amend	68
Provincial Parks Act, 1958	109
Public Commercial Vehicles Act—Act to amend	149
Public Hospitals Act, 1957—Act to amend	168
Public Lands Act—Act to amend	85
Public Parks Act—Act to amend	108
Public Schools Act—Act to amend	81
Public Service Act—Act to amend	129
—Act to amend	158
Public Trustee Act—Act to amend	62
Public Utilities Act—Act to amend	119
Public Vehicles Act—Act to amend	150

R

Bill No.

Racing Commission Act—Act to amend (Withdrawn).....	140
Real Estate and Business Brokers Act—Act to amend.....	134
Registry Act—Act to amend.....	135
Rehabilitation Services Act, 1955—Act to amend.....	171

S

Sanatoria for Consumptives Act—Act to amend.....	100
Schools Administration Act, 1954—Act to amend.....	46
Secondary Schools and Boards of Education Act, 1954—Act to amend.....	80
Separate Schools Act—Act to amend.....	82
Sheriffs Act—Act to amend.....	112
Stallions Act—Act to amend.....	98
Statute Labour Act—Act to amend.....	78
Succession Duty Act—Act to amend.....	139
Summary Convictions Act—Act to amend.....	63
—Act to amend.....	173
Supply Act, 1958.....	186
Surrogate Courts Act—Act to amend.....	60
Surveys Act, 1958.....	95

T

Tay, Township of, Road Allowance Act, 1958.....	67
Teachers' Superannuation Act—Act to amend.....	73
Telephone Act, 1954—Act to amend.....	97
Tile Drainage Act—Act to amend.....	118
Time Act, 1958.....	136
Toll Bridges Act, 1958.....	175
Toronto, Metropolitan—See <i>Metropolitan</i> .	
Tourist Establishments Act—Act to amend.....	76
Town Sites Act—Act to repeal.....	84
Training Schools Act—Act to amend.....	107
Travelling Shows Act—Act to repeal.....	183
Trench Excavators Protection Act, 1954—Act to amend.....	170

U

University of Toronto Act, 1947—Act to amend.....	145
Upper Canada College Act—Act to amend.....	179

V

Veterinarians Act, 1958.....	146
Vital Statistics Act—Act to amend.....	70
—Act to amend.....	159

W

Workmen's Compensation Act—Act to amend.....	92
--	----

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act respecting the Road Allowance
between Lots 15 and 16 in Concession VIII
of the Township of Tay

MR. MAPLEDORAM

EXPLANATORY NOTE

The purpose of this bill is to establish the road allowance between Lots 15 and 16 in Concession VIII of the Township of Tay in the position generally accepted.

No. 67

1958

BILL

An Act respecting the Road Allowance between Lots 15 and 16 in Concession VIII of the Township of Tay

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Surveys Act*, it is hereby declared that there is and always has been a road allowance one chain in width between Lots 15 and 16 in Concession VIII of the Township of Tay in the County of Simcoe and that the southerly boundary thereof is and always has been a straight line drawn on the astronomic course of the southerly boundary of the township at the end of the concession. Road allowance between Lots 15 and 16, Con. VIII, Tay, Twp., and the southerly boundary thereof established R.S.O. 1950, c. 381
2. Notwithstanding *The Surveys Act*, it is hereby declared that the width of Lot 15 in Concession VIII of the Township of Tay in the County of Simcoe is and always has been thirty chains measured along the westerly limit of the lot and the northerly prolongation thereof. Width of Lot 15, Con. VIII, Tay Twp.
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Township of Tay Road Allowance Act, 1958*. Short title

BILL

An Act respecting the Road Allowance
between Lots 15 and 16
in Concession VIII of the
Township of Tay

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act respecting the Road Allowance
between Lots 15 and 16 in Concession VIII
of the Township of Tay**

MR. MAPLEDORAM

No. 67

1958

BILL

An Act respecting the Road Allowance between Lots 15 and 16 in Concession VIII of the Township of Tay

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2. Notwithstanding *The Surveys Act*, it is hereby declared that the width of Lot 15 in Concession VIII of the Township of Tay in the County of Simcoe is and always has been thirty chains measured along the westerly limit of the lot and the northerly prolongation thereof. Width of Lot 15, Con. VIII, Tay Twp.
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Township of Tay Road Allowance Act, 1958*. Short title

BILL

An Act respecting the Road Allowance
between Lots 15 and 16
in Concession VIII of the
Township of Tay

1st Reading

February 5th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 4th, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Provincial Land Tax Act

MR. MAPLEDORAM

EXPLANATORY NOTE

The purpose of this bill is to improve the administrative practices under the Act by dividing the Province into three areas and assessing the lands in each area once every three years.

No. 68

1958

BILL

An Act to amend The Provincial Land Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 14 of *The Provincial Land Tax Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 298, s. 14, subs. 2, re-enacted

(2) Subject to subsection 1, assessments under this Act shall be made triennially and the triennial periods of assessment shall commence, Triennial assessments

(a) in the year 1959, in the territorial districts of K  nora, Rainy River, and Thunder Bay;

(b) in the year 1960, in the territorial districts of Algoma, Cochrane, Sudbury, and Temiskaming; and

(c) in the year 1961, in the parts of Ontario not mentioned in clauses *a* and *b*.

2. Assessments under *The Provincial Land Tax Act* shall be made in the year 1958 in accordance with the provisions of that Act in force on the 1st day of January, 1958. 1958 assessments

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1958*. Short title

BILL

An Act to amend
The Provincial Land Tax Act

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Provincial Land Tax Act

MR. MAPLEDORAM

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 68

1958

BILL

An Act to amend The Provincial Land Tax Act

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1. Subsection 2 of section 14 of *The Provincial Land Tax Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 298, s. 14, subs. 2, re-enacted

(2) Subject to subsection 1, assessments under this Act shall be made triennially and the triennial periods of assessment shall commence, Triennial assessments

(a) in the year 1959, in the territorial districts of Kenora, Rainy River, and Thunder Bay;

(b) in the year 1960, in the territorial districts of Algoma, Cochrane, Sudbury, and Timiskaming; and

(c) in the year 1961, in the parts of Ontario not mentioned in clauses *a* and *b*.

2. Assessments under *The Provincial Land Tax Act* shall be made in the year 1958 in accordance with the provisions of that Act in force on the 1st day of January, 1958. 1958 assessments

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1958*. Short title

BILL

An Act to amend
The Provincial Land Tax Act

1st Reading

February 5th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 4th, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to amend
The Fair Accommodation Practices Act, 1954

MR. GISBORN

EXPLANATORY NOTES

SECTION 1. The new clause *aa* defines the term "multiple dwelling".

SECTION 2. Section 2 of the Act is re-enacted. Subsection 1 makes the provisions of the section applicable to accommodation in multiple dwellings. Subsection 2 provides that nothing contained therein is to be a bar to any religious or denominational institution.

No. 69

1958

BILL

An Act to amend The Fair Accommodation Practices Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fair Accommodation Practices Act*, 1954, c. 28, is amended by adding thereto the following clause: s. 1, amended

(aa) "multiple dwelling" means any building erected or proposed to be erected so as to provide three or more dwelling units designed or intended for separate use by an individual or family.

2. Section 2 of *The Fair Accommodation Practices Act*, 1954, c. 28, is repealed and the following substituted therefor: s. 2, re-enacted

2.—(1) No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted, or accommodation in a multiple dwelling, because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. Discrimination prohibited

(2) Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or for making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. Application to religious and denominational institutions

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Fair Accommodation Practices Amendment Act, 1958*. Short title

BILL

An Act to amend
The Fair Accommodation Practices
Act, 1954

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. GISBORN

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Vital Statistics Act

MR. DUNBAR

EXPLANATORY NOTES

SECTION 1. This provision is designed to expedite the processing of marriage registrations.

SECTION 2. The scope of the section is broadened in order that changes of name and annulments of changes of name made outside as well as in Canada may be recognized and given effect to by the Registrar-General.

No. 70

1958

BILL

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 14 of *The Vital Statistics Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 412, s. 14,
subs. 2,
re-enacted;
subs. 3,
re-pealed
- (2) If an officer designated under clause *n* of section 53 is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar-General under subsection 2 of section 28 of *The Marriage Act*, he shall register the marriage by signing the statement and then shall mail an acknowledgment of its receipt to the person who solemnized the marriage.

Registration
of marriage

R.S.O. 1950,
c. 222
2. Section 26 of *The Vital Statistics Act*, as amended by section 1 of *The Vital Statistics Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 412, s. 26,
re-enacted
- 26.—(1) Upon receipt of a document that satisfies the Registrar-General that the name of a person whose birth or marriage is registered in Ontario has been changed in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar-General shall register the document and note the change of name on the birth or marriage registration of the person.

Registration
of change
of name
- (2) Where a change of name has been noted on a birth or marriage registration and application is made for a birth or marriage certificate, the certificate shall be issued as if the registration had been made in the name as changed.

Certificate
after change
of name
- (3) Upon receipt of a document that satisfies the Registrar-General that a document effecting a change of name has been annulled in accordance

Registration
of annulment
of change
of name

with the law of the province or territory of Canada or of the foreign state in which such documents were made, the Registrar-General shall register the document and note the annulment on the birth or marriage registration of the person and on the document effecting the change of name.

Notation to
be dated and
initialled

- (4) Every notation made under this section shall be dated and initialled by an officer designated by the regulations.

R.S.O. 1950,
c. 412, s. 33,
amended

3. Section 33 of *The Vital Statistics Act*, as amended by section 3 of *The Vital Statistics Amendment Act, 1951*, is further amended by adding thereto the following subsection:

Deputy
division
registrars

- (3a) A division registrar may, with the approval of the Registrar-General, appoint one or more deputy division registrars to act for him and any such deputy while so acting has all the powers and duties of the division registrar who appointed him.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Vital Statistics Amendment Act, 1958*.

SECTION 3. This provision is new. It is designed to expedite the processing of birth, stillbirth and death registrations.

BILL

An Act to amend
The Vital Statistics Act

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Vital Statistics Act

MR. DUNBAR

No. 70

1958

BILL

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 14 of *The Vital Statistics Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 412, s. 14,
subs. 2,
re-enacted;
subs. 3,
re-pealed
- (2) If an officer designated under clause *n* of section 53 is satisfied as to the correctness and sufficiency of a statement of marriage forwarded to the Registrar-General under subsection 2 of section 28 of *The Marriage Act*, he shall register the marriage by signing the statement and then shall mail an acknowledgment of its receipt to the person who solemnized the marriage.

Registration
of marriage

R.S.O. 1950,
c. 222
2. Section 26 of *The Vital Statistics Act*, as amended by section 1 of *The Vital Statistics Amendment Act, 1955*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 412, s. 26,
re-enacted
- 26.—(1) Upon receipt of a document that satisfies the Registrar-General that the name of a person whose birth or marriage is registered in Ontario has been changed in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar-General shall register the document and note the change of name on the birth or marriage registration of the person.

Registration
of change
of name
- (2) Where a change of name has been noted on a birth or marriage registration and application is made for a birth or marriage certificate, the certificate shall be issued as if the registration had been made in the name as changed.

Certificate
after change
of name
- (3) Upon receipt of a document that satisfies the Registrar-General that a document effecting a change of name has been annulled in accordance with the law of the province or territory of Canada or of the foreign state in which the document was made, the Registrar-General shall annul the registration of the change of name.

Registration
of annulment
of change
of name

with the law of the province or territory of Canada or of the foreign state in which such documents were made, the Registrar-General shall register the document and note the annulment on the birth or marriage registration of the person and on the document effecting the change of name.

Notation to
be dated and
initialled

- (4) Every notation made under this section shall be dated and initialled by an officer designated by the regulations.

R.S.O. 1950,
c. 412, s. 33,
amended

3. Section 33 of *The Vital Statistics Act*, as amended by section 3 of *The Vital Statistics Amendment Act, 1951*, is further amended by adding thereto the following subsection:

Deputy
division
registrars

- (3a) A division registrar may, with the approval of the Registrar-General, appoint one or more deputy division registrars to act for him and any such deputy while so acting has all the powers and duties of the division registrar who appointed him.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Vital Statistics Amendment Act, 1958*.

BILL

An Act to amend
The Vital Statistics Act

1st Reading

February 5th, 1958

2nd Reading

February 24th, 1958

3rd Reading

March 21st, 1958

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Corporations Act, 1953

MR. DUNBAR

TORONTO

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EXPLANATORY NOTE

The reference in the present provision is to sections 3, 5, 6, 7 and 8 of *The Corporations Tax Act*. The reference is brought up to date by specifying the corresponding sections of *The Corporations Tax Act, 1957*.

No. 71

1958

BILL

An Act to amend The Corporations Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1953, c. 19,
s. 343,
Class 8,
re-enacted

1. Class 8 of section 343 of *The Corporations Act, 1953* is repealed and the following substituted therefor:

1957, c. 17

Class 8. Corporations within the meaning of sections 7, 8, 9, 10 and 11 of *The Corporations Tax Act, 1957*.

Short title

2. This Act may be cited as *The Corporations Amendment Act, 1958*.

BILL

An Act to amend
The Corporations Act, 1953

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Corporations Act, 1953

MR. DUNBAR

No. 71

1958

BILL

An Act to amend The Corporations Act, 1953

HER MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Class 8 of section 343 of *The Corporations Act, 1953* is 1953, c. 19,
repealed and the following substituted therefor:

s. 343,
Class 8,
re-enacted

Class 8. Corporations within the meaning of sections
7, 8, 9, 10 and 11 of *The Corporations Tax Act, 1957*. 1957, c. 17

2. This Act may be cited as *The Corporations Amendment Act, 1958*. Short title

BILL

An Act to amend
The Corporations Act, 1953

1st Reading

February 5th, 1958

2nd Reading

February 24th, 1958

3rd Reading

March 4th, 1958

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Corporations Information Act, 1953

MR. DUNBAR

EXPLANATORY NOTE

The amendments bring the language of these subsections into line with the language of the rest of the section and bring the reference to the Dominion Act up to date.

No. 72

1958

BILL

An Act to amend The Corporations Information Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 3 of *The Corporations Information Act, 1953* is amended by striking out “section 121 of *The Companies Act, 1934* (Canada) may deliver to” in the second and third lines and inserting in lieu thereof “section 125 of the *Companies Act* (Canada) may file with”, so that the subsection shall read as follows: 1953, c. 21, s. 3, subs. 9, amended

(9) Any corporation required to file a summary under section 125 of the *Companies Act* (Canada) may file with the Provincial Secretary a duplicate of such summary, signed and verified as prescribed in that section, in lieu of the return required by subsection 1, and shall pay the fee prescribed for such return. Summary under R.S.C. 1952, c. 53, in lieu of return

(2) Subsection 10 of the said section 3 is amended by striking out “delivering” in the second line and inserting in lieu thereof “filing”, so that the subsection shall read as follows: 1953, c. 21, s. 3, subs. 10, amended

(10) The Provincial Secretary may in his discretion enlarge the time for filing any such return or summary and may grant an exemption in whole or in part from the payment of the fee. Enlargement of time; exemption of fee

2. This Act may be cited as *The Corporations Information Amendment Act, 1958*. Short title

BILL

An Act to amend
The Corporations Information Act, 1953

1st Reading

February 5th, 1958

2nd Reading

3rd Reading

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Corporations Information Act, 1953

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 72

1958

BILL

An Act to amend The Corporations Information Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 9 of section 3 of *The Corporations Information Act, 1953* is amended by striking out "section 121 of *The Companies Act, 1934* (Canada) may deliver to" in the second and third lines and inserting in lieu thereof "section 125 of the *Companies Act* (Canada) may file with", so that the subsection shall read as follows: 1953, c. 21, s. 3, subs. 9, amended

(9) Any corporation required to file a summary under section 125 of the *Companies Act* (Canada) may file with the Provincial Secretary a duplicate of such summary, signed and verified as prescribed in that section, in lieu of the return required by subsection 1, and shall pay the fee prescribed for such return. Summary under R.S.C. 1952, c. 53, in lieu of return

(2) Subsection 10 of the said section 3 is amended by striking out "delivering" in the second line and inserting in lieu thereof "filing", so that the subsection shall read as follows: 1953, c. 21, s. 3, subs. 10, amended

(10) The Provincial Secretary may in his discretion enlarge the time for filing any such return or summary and may grant an exemption in whole or in part from the payment of the fee. Enlargement of time; exemption of fee

2. This Act may be cited as *The Corporations Information Amendment Act, 1958*. Short title

BILL

An Act to amend The Corporations Information Act, 1953

1st Reading

February 5th, 1958

2nd Reading

February 24th, 1958

3rd Reading

March 4th, 1958

MR. DUNBAR

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Teachers' Superannuation Act

MR. DUNLOP

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition of "salary" is re-enacted in order to clarify its meaning for administrative purposes.

There is no change in the principle involved.

SECTION 2—Clause (*ppp*). Before September 1, 1957, the Act did not apply to part-time teachers of music and other special subjects. Amendments made in 1957 brought these teachers under the Act.

This new clause will enable regulations to be made under which these teachers may gain credit for past part-time service.

Clause (*pppp*). This new clause will authorize the making of regulations that will enable teachers in elementary and secondary schools, etc., to gain credit for past teaching service in any designated private school.

This is complementary to the amendments made in 1957 that made it possible for the teaching staffs of private schools to come under the Act.

No. 73

1958

BILL

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 384, s. 17,
subs. 3,
re-enacted

(3) In this section, "salary" means the yearly salary specified in the contract of employment between the person and his board and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. Interpre-
tation

2. Subsection 1 of section 57 of *The Teachers' Superannuation Act*, as amended by subsections 1 and 2 of section 2 of *The Teachers' Superannuation Amendment Act, 1951*, subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, section 5 of *The Teachers' Superannuation Amendment Act, 1954* and section 7 of *The Teachers' Superannuation Amendment Act, 1957*, is further amended by adding thereto the following clauses: R.S.O. 1950,
c. 384, s. 57,
subs. 1,
amended

(*ppp*) prescribing the conditions under which credit may be given under the Act for teaching music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject for fewer than twenty hours per week before the 1st day of September, 1957, and prescribing the method of determining the period for which such credit may be given and the amount thereof;

(*pppp*) prescribing the conditions under which credit for past teaching service in a designated private school may be given under the Act to persons who contribute to the fund under any provision of the Act

other than section 16*a*, and prescribing the method of determining the period for which such credit may be given and the amount thereof.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1958.*

BILL

An Act to amend
The Teachers' Superannuation Act

1st Reading

February 6th, 1958

2nd Reading

3rd Reading

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Teachers' Superannuation Act

MR. DUNLOP

No. 73

1958

BILL

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 384, s. 17,
subs. 3,
re-enacted

(3) In this section, "salary" means the yearly salary specified in the contract of employment between the person and his board and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. Interpre-
tation

2. Subsection 1 of section 57 of *The Teachers' Superannuation Act*, as amended by subsections 1 and 2 of section 2 of *The Teachers' Superannuation Amendment Act, 1951*, subsection 1 of section 26 of *The Teachers' Superannuation Amendment Act, 1953*, section 5 of *The Teachers' Superannuation Amendment Act, 1954* and section 7 of *The Teachers' Superannuation Amendment Act, 1957*, is further amended by adding thereto the following clauses: R.S.O. 1950,
c. 384, s. 57,
subs. 1,
amended

(ppp) prescribing the conditions under which credit may be given under the Act for teaching music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject for fewer than twenty hours per week before the 1st day of September, 1957, and prescribing the method of determining the period for which such credit may be given and the amount thereof;

(pppp) prescribing the conditions under which credit for past teaching service in a designated private school may be given under the Act to persons who contribute to the fund under any provision of the Act

other than section 16a, and prescribing the method of determining the period for which such credit may be given and the amount thereof.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1958*.

BILL

An Act to amend
The Teachers' Superannuation Act

1st Reading

February 6th, 1958

2nd Reading

February 18th, 1958

3rd Reading

March 4th, 1958

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Cancer Act, 1957

MR. PHILLIPS

EXPLANATORY NOTE

In order to expedite the transaction of business, the quorum of The Ontario Cancer Treatment and Research Foundation, which consists of not fewer than seven members, and of The Ontario Cancer Institute, which consists of twelve members, is reduced from a majority of the members to five members.

No. 74

1958

BILL

An Act to amend The Cancer Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Cancer Act, 1957* is 1957, c. 6, s. 2, subs. 3, repealed and the following substituted therefor: re-enacted
 - (3) Five of the members of the Foundation constitute Quorum a quorum for the transaction of business.
2. Subsection 3 of section 17 of *The Cancer Act, 1957* is 1957, c. 6, s. 17, subs. 3, repealed and the following substituted therefor: re-enacted
 - (3) Five of the members of the Institute constitute a Quorum quorum for the transaction of business.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Cancer Amendment Act*, Short title
1958.

BILL

An Act to amend
The Cancer Act, 1957

1st Reading

February 6th, 1958

2nd Reading

3rd Reading

MR. PHILLIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Cancer Act, 1957

MR. PHILLIPS

No. 74

1958

BILL

An Act to amend The Cancer Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Cancer Act, 1957* is 1957, c. 6, s. 2, subs. 3, re-enacted repealed and the following substituted therefor:

(3) Five of the members of the Foundation constitute Quorum a quorum for the transaction of business.

2. Subsection 3 of section 17 of *The Cancer Act, 1957* is 1957, c. 6, s. 17, subs. 3, re-enacted repealed and the following substituted therefor:

(3) Five of the members of the Institute constitute a Quorum quorum for the transaction of business.

3. This Act comes into force on the day it receives Royal Commence-
ment Assent.

4. This Act may be cited as *The Cancer Amendment Act*, Short title 1958.

BILL

An Act to amend
The Cancer Act, 1957

1st Reading

February 6th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 11th, 1958

Mr. PHILLIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Cemeteries Act

MR. PHILLIPS

EXPLANATORY NOTE

The purpose of this amendment is to remove any doubt that the Attorney-General may direct a disinterment for the purpose of a criminal investigation when no proceeding has been instituted.

No. 75

1958

BILL

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 33 of *The Cemeteries Act* is amended by inserting after "criminal" in the third line "investigation or", so that the subsection shall read as follows:

R.S.O. 1950,
c. 46, s. 33,
subs. 2,
amended

(2) Where the Attorney-General deems it expedient for the purpose of an inquiry as to the cause of death or for the purpose of any criminal investigation or proceeding that a body should be disinterred, he may exercise the powers mentioned in subsection 1.

Attorney-
General's
order

2. This Act may be cited as *The Cemeteries Amendment Act, 1958*.

Short title

BILL

An Act to amend
The Cemeteries Act

1st Reading

February 6th, 1958

2nd Reading

3rd Reading

MR. PHILLIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Cemeteries Act

MR. PHILLIPS

No. 75

1958

BILL

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 33 of *The Cemeteries Act* is R.S.O. 1950, amended by inserting after "criminal" in the third line ^{c. 46, s. 33,} "investigation or", so that the subsection shall read as follows: ^{subs. 2,} amended

(2) Where the Attorney-General deems it expedient for ^{Attorney-General's} the purpose of an inquiry as to the cause of death ^{order} or for the purpose of any criminal investigation or proceeding that a body should be disinterred, he may exercise the powers mentioned in subsection 1.

2. This Act may be cited as *The Cemeteries Amendment Act* ^{Short title} 1958.

An Act to amend
The Cemeteries Act

1st Reading

February 6th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 11th, 1958

MR. PHILLIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Tourist Establishments Act

MR. CATHCART

EXPLANATORY NOTE

The purpose of the bill is to include in *The Tourist Establishments Act* the provisions relating to the licensing of tourist outfitters which are now contained in and which will be deleted from *The Game and Fisheries Act* and to authorize the regulation of tourist establishments licensed under *The Liquor Licence Act*, where the need arises.

The words struck out by subsection 1 of section 2 of the bill are redundant.

No. 76

1958

BILL

An Act to amend The Tourist Establishments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Tourist Establishments Act*, R.S.O. 1950, c. 393, s. 1, as amended by section 1 of *The Tourist Establishments Amendment Act*, 1952, is repealed and the following substituted ^{cl. *d*, re-enacted} therefor:

- (*d*) "tourist establishment" means any premises operated for the accommodation of the travelling or vacationing public and includes tourist outfitters' camps, but does not include,
 - (i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act*, 1956, or
 - (ii) a summer camp within the meaning of the regulations made under *The Public Health Act*, R.S.O. 1950, c. 306
- (*e*) "tourist outfitter's camp" means a place of business at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

2.—(1) Clause *a* of subsection 1 of section 2 of *The Tourist Establishments Act* is amended by striking out "defining and", R.S.O. 1950, c. 393, s. 2, amended so that the clause shall read as follows:

- (*a*) classifying tourist establishments.

(2) Clause *b* of subsection 1 of the said section 2, as re-enacted by section 2 of *The Tourist Establishments Amendment Act*, 1952, is amended by striking out "except tourist outfitters' camps under *The Game and Fisheries Act*" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 393, s. 2, subs. 1, cl. *b* (1952, c. 107, s. 2), amended

- (b) providing for the licensing of tourist establishments and the issue, form, renewal, transfer, refusal, suspension or cancellation of such licences and prescribing the fees payable for such licences and renewals thereof.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

4. This Act may be cited as *The Tourist Establishments Amendment Act, 1958*.

BILL

An Act to amend
The Tourist Establishments Act

1st Reading

February 6th, 1958

2nd Reading

3rd Reading

MR. CATHCART

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Tourist Establishments Act

MR. CATHCART

TORONTO

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No. 76

1958

BILL

An Act to amend The Tourist Establishments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Tourist Establishments Act*, R.S.O. 1950, c. 393, s. 1, as amended by section 1 of *The Tourist Establishments Amendment Act*, 1952, is repealed and the following substituted re-enacted therefor:

(*d*) "tourist establishment" means any premises operated for the accommodation of the travelling or vacationing public and includes tourist outfitters' camps, but does not include,

(i) a camp operated by a charitable organization within the meaning of *The Charitable Institutions Act*, 1956, or

(ii) a summer camp within the meaning of the regulations made under *The Public Health Act*; R.S.O. 1950, c. 306

(*e*) "tourist outfitter's camp" means a place of business at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

2.—(1) Clause *a* of subsection 1 of section 2 of *The Tourist Establishments Act* is amended by striking out "defining and", so that the clause shall read as follows: R.S.O. 1950, c. 393, s. 2, subs. 1, cl. *a*, amended

(*a*) classifying tourist establishments.

(2) Clause *b* of subsection 1 of the said section 2, as re-enacted by section 2 of *The Tourist Establishments Amendment Act*, 1952, is amended by striking out "except tourist outfitters' camps under *The Game and Fisheries Act*" in the second and third lines, so that the clause shall read as follows: R.S.O. 1950, c. 393, s. 2, subs. 1, cl. *b* (1952, c. 107, s. 2), amended

- (b) providing for the licensing of tourist establishments and the issue, form, renewal, transfer, refusal, suspension or cancellation of such licences and prescribing the fees payable for such licences and renewals thereof.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

4. This Act may be cited as *The Tourist Establishments Amendment Act, 1958*.

BILL

An Act to amend
The Tourist Establishments Act

1st Reading

February 6th, 1958

2nd Reading

February 18th, 1958

3rd Reading

March 11th, 1958

MR. CATHCART

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Municipal Unconditional Grants Act, 1953**

MR. ROBERTS

EXPLANATORY NOTE

The new section provides for the payment of an unconditional grant of \$1 per capita with respect to persons residing on Indian reserves to the county in which the reserve is situated to assist the county in the administration of justice.

No. 77

1958

BILL

An Act to amend The Municipal Unconditional Grants Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act, 1953* is ^{1953, c. 72,} amended by adding thereto the following section:

6a. There shall be paid in each year out of the moneys appropriated therefor by the Legislature to each county in which an Indian reserve is located by way of unconditional grant to assist each such county in the administration of justice in the county a per capita payment of \$1 in accordance with the population of the Indian reserve according to the latest census from time to time published by the Dominion Bureau of Statistics.

Per capita payments to counties re Indian reserves

2. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1958*.

Short title

BILL

An Act to amend
The Municipal Unconditional
Grants Act, 1953

1st Reading

February 6th, 1958

2nd Reading

3rd Reading

Mr. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Municipal Unconditional Grants Act, 1953

MR. ROBERTS

No. 77

1958

BILL

An Act to amend The Municipal Unconditional Grants Act, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act, 1953* is 1953, c. 72, amended by adding thereto the following section: amended

6a. There shall be paid in each year out of the moneys appropriated therefor by the Legislature to each county in which an Indian reserve is located by way of unconditional grant to assist each such county in the administration of justice in the county a per capita payment of \$1 in accordance with the population of the Indian reserve according to the latest census from time to time published by the Dominion Bureau of Statistics. Per capita payments to counties re Indian reserves

2. This Act shall be deemed to have come into force on the 1st day of January, 1958. Commencement

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1958*. Short title

BILL

An Act to amend
The Municipal Unconditional
Grants Act, 1953

1st Reading

February 6th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 11th, 1958

MR. ROBERTS

No. 78

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Statute Labour Act

MR. ALLAN

EXPLANATORY NOTE

These amendments are made to clarify the intent in order to facilitate enforcement.

BILL

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Statute Labour Act* is amended by R.S.O. 1950, c. 372, s. 30, inserting after "labour" in the first line "or to pay an amount amended of commutation money in lieu thereof" and by inserting after "liable" in the fifth line "or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable", so that the section shall read as follows:

30. Any person liable to perform statute labour or to ^{Penalty for neglect to} pay an amount of commutation money in lieu ^{perform} thereof under sections 11 to 37 who, after six days' ^{work or pay} notice requiring him to do the labour, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable shall incur a penalty of \$5, and in addition the amount of the commutation money as fixed by the commissioners under section 27 for each day in respect of which he makes default, the same to be paid to the secretary-treasurer and to be expended in improving the roads on which the labour should have been performed, or such other roads as, in the opinion of the commissioners, require improvement.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Statute Labour Amendment* ^{Short title} Act, 1958.

An Act to amend
The Statute Labour Act

1st Reading

February 7th, 1958

2nd Reading

3rd Reading

MR. ALAN

No. 78

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Statute Labour Act

MR. ALLAN

TORONTO
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No. 78

1958

BILL

An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Statute Labour Act* is amended by R.S.O. 1950, c. 372, s. 30, amended inserting after "labour" in the first line "or to pay an amount of commutation money in lieu thereof" and by inserting after "liable" in the fifth line "or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable", so that the section shall read as follows:

30. Any person liable to perform statute labour or to pay an amount of commutation money in lieu thereof under sections 11 to 37 who, after six days' notice requiring him to do the labour, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable or who, after six days' notice requiring him to pay the money, fails to pay the amount of commutation money for which he is liable shall incur a penalty of \$5, and in addition the amount of the commutation money as fixed by the commissioners under section 27 for each day in respect of which he makes default, the same to be paid to the secretary-treasurer and to be expended in improving the roads on which the labour should have been performed, or such other roads as, in the opinion of the commissioners, require improvement.

Penalty for neglect to perform work or pay money

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Statute Labour Amendment Act, 1958*. Short title

An Act to amend
The Statute Labour Act

1st Reading

February 7th, 1958

2nd Reading

February 24th, 1958

3rd Reading

March 11th, 1958

MR. ALLAN

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Improvement Act, 1957

MR. ALLAN

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment substitutes the Lieutenant-Governor in Council for the Minister as the authority with power to designate highways in cities, towns and villages as connecting links between parts of the King's Highway.

Subsection 2. The contribution of the province to the cost of constructing a connecting link in a town or village of more than 2,500 is raised from 50 per cent to 75 per cent.

SECTION 2. Clause *b* is new. It is designed to provide control over entranceways, etc., to the King's Highway in the interest of public safety.

SECTION 3. This amendment provides statutory recognition of the existing practice. See also sections 6 and 8 of this bill.

No. 79

1958

BILL

An Act to amend The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 22 of *The Highway Improvement Act, 1957* is amended by striking out “Minister” in the fourth line and inserting in lieu thereof “Lieutenant-Governor in Council”. 1957, c. 43, s. 22, subs. 1, amended

(2) Clause *b* of subsection 5 of the said section 22 is amended by striking out “50” in the third line and inserting in lieu thereof “75”. 1957, c. 43, s. 22, subs. 5, cl. b, amended

2. Subsection 1 of section 30 of *The Highway Improvement Act, 1957* is repealed and the following substituted therefor: 1957, c. 43, s. 30, subs. 1, re-enacted

(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, Interference with King's Highway

(a) shall obstruct or deposit material on or take up or in any way interfere with the King's Highway; or

(b) shall construct any private road, entrance-way, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway,

except in accordance with the conditions of a permit issued therefor by the Minister.

3. Section 45 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection: 1957, c. 43, s. 45, amended

(1a) A county may at any time, with the consent of the Minister, submit to him for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supplementary by-law

1957, c. 43,
s. 56, subs. 3,
amended

4. Subsection 3 of section 56 of *The Highway Improvement Act, 1957* is amended by inserting after "cent" in the second line "or more in total value than 50 per cent", so that the subsection shall read as follows:

Minimum
and
maximum
contribution

- (3) Such contribution shall not be less in total value than 25 per cent or more in total value than 50 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

1957, c. 43,
s. 63,
amended

5. Section 63 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Interest in
contracts

- (9a) Any member of a suburban roads commission who is, directly or indirectly, interested in a contract with the commission or in which the commission has an interest shall, *ipso facto*, cease to be a member of the commission and the vacancy so created shall be filled under subsection 9.

1957, c. 43,
s. 71,
amended

6. Section 71 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (2a) A township may at any time, with the consent of the Minister, submit to him for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

1957, c. 43,
amended

7. *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Opening or
constructing
road in
subdivision
not eligible

- 71a. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, no subsidy shall be paid to the township under this Part for any expenditure made on the opening or constructing of any road in the subdivision unless the road is a main thoroughfare for traffic or is designated and laid out as such and is so designated by the Minister.

SECTION 4. The purpose of the amendment is to place a ceiling on the rebate that a county must make to urban municipalities in the county in respect of the cost of construction and maintenance of roads in the urban municipalities to which the county does not contribute otherwise.

SECTION 5. Self explanatory.

SECTION 6. This amendment provides statutory recognition of the existing practice. See also sections 3 and 8 of this bill.

SECTION 7. This situation in townships is brought into line with the same situation in cities, towns and villages. See section 79 of the Act.

SECTION 8. This amendment provides statutory recognition of the existing practice. See also sections 3 and 6 of this bill.

8. Section 76 of *The Highway Improvement Act, 1957* is ^{1957, c. 43,}
 amended by adding thereto the following subsection: ^{s. 76,}
 amended

- (2) A city, town or village may at any time, with the ^{Supplemen-}
 consent of the Minister, submit to him for his ^{tary by-law}
 approval a by-law covering an estimated expenditure
 on road construction and maintenance supplementing
 the by-law submitted under subsection 1.

9. This Act comes into force on the day it receives Royal ^{Commence-}
 Assent. ^{ment}

10. This Act may be cited as *The Highway Improvement* ^{Short title}
Amendment Act, 1958.

BILL

An Act to amend
The Highway Improvement Act, 1957

1st Reading

February 7th, 1958

2nd Reading

3rd Reading

MR. ALAN

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Improvement Act, 1957

MR. ALLAN

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment substitutes the Lieutenant-Governor in Council for the Minister as the authority with power to designate highways in cities, towns and villages as connecting links between parts of the King's Highway.

Subsection 2. The contribution of the province to the cost of constructing a connecting link in a town or village of more than 2,500 is raised from 50 per cent to 75 per cent.

SECTION 2. Clause *b* is new. It is designed to provide control over entranceways, etc., to the King's Highway in the interest of public safety.

SECTION 3. This amendment provides statutory recognition of the existing practice. See also sections 6 and 8 of this bill.

BILL

An Act to amend The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 22 of *The Highway Improvement Act, 1957* is amended by striking out “Minister” in the fourth line and inserting in lieu thereof “Lieutenant-Governor in Council”. 1957, c. 43, s. 22, subs. 1, amended

(2) Clause *b* of subsection 5 of the said section 22 is amended by striking out “50” in the third line and inserting in lieu thereof “75”. 1957, c. 43, s. 22, subs. 5, cl. b, amended

2. Subsection 1 of section 30 of *The Highway Improvement Act, 1957* is repealed and the following substituted therefor: 1957, c. 43, s. 30, subs. 1, re-enacted

(1) Notwithstanding anything in any general or special Act, no person, including a municipality and a local board thereof, Interference with King's Highway

(a) shall obstruct or deposit material on or take up or in any way interfere with the King's Highway; or

(b) shall construct any private road, entrance-way, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway,

except in accordance with the conditions of a permit issued therefor by the Minister.

3. Section 45 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection: 1957, c. 43, s. 45, amended

(1a) A county may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1. Supplementary by-law

1957, c. 43,
s. 56, subs. 3,
amended

4. Subsection 3 of section 56 of *The Highway Improvement Act, 1957* is amended by inserting after "cent" in the second line "or more in total value than 50 per cent", so that the subsection shall read as follows:

Minimum
and
maximum
contribution

- (3) Such contribution shall not be less in total value than 25 per cent or more in total value than 50 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

1957, c. 43,
s. 63,
amended

5. Section 63 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Interest in
contracts

- (9a) Any member of a suburban roads commission who is, directly or indirectly, interested in a contract with the commission or in which the commission has an interest shall, *ipso facto*, cease to be a member of the commission and the vacancy so created shall be filled under subsection 9.

1957, c. 43,
s. 71,
amended

6. Section 71 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (2a) A township may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

1957, c. 43,
amended

7. *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Opening or
constructing
road in
subdivision
not eligible

- 71a. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, no subsidy shall be paid to the township under this Part for any expenditure made on the opening or constructing of any road in the subdivision unless the road is a main thoroughfare for traffic or is designated and laid out as such and is so designated by the Minister.

SECTION 4. The purpose of the amendment is to place a ceiling on the rebate that a county must make to urban municipalities in the county in respect of the cost of construction and maintenance of roads in the urban municipalities to which the county does not contribute otherwise.

SECTION 5. Self-explanatory.

SECTION 6. This amendment provides statutory recognition of the existing practice. See also sections 3 and 8 of this bill.

SECTION 7. This situation in townships is brought into line with the same situation in cities, towns and villages. See section 79 of the Act.

SECTION 8. This amendment provides statutory recognition of the existing practice. See also sections 3 and 6 of this bill.

8. Section 76 of *The Highway Improvement Act, 1957* is ^{1957, c. 43,} amended by adding thereto the following subsection: ^{s. 76,} amended

- (2) A city, town or village may at any time submit to ^{Supplemen-} the Minister for his approval a by-law covering an ^{tary by-law} estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1.

9. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

10. This Act may be cited as *The Highway Improvement* ^{Short title} *Amendment Act, 1958.*

BILL

An Act to amend
The Highway Improvement Act, 1957

1st Reading

February 7th, 1958

2nd Reading

February 24th, 1958

3rd Reading

MR. ALLAN

(Reprinted as amended by the
Committee of the Whole House)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Improvement Act, 1957

MR. ALLAN

No. 79

1958

BILL

An Act to amend The Highway Improvement Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 22 of *The Highway Improvement Act, 1957* is amended by striking out "Minister" ^{1957, c. 43, s. 22, subs. 1, amended} in the fourth line and inserting in lieu thereof "Lieutenant-Governor in Council".

(2) Clause *b* of subsection 5 of the said section 22 is amended ^{1957, c. 43, s. 22, subs. 5, cl. b, amended} by striking out "50" in the third line and inserting in lieu thereof "75".

2. Subsection 1 of section 30 of *The Highway Improvement Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 43, s. 30, subs. 1, re-enacted}

(1) Notwithstanding anything in any general or special ^{Interference with King's Highway} Act, no person, including a municipality and a local board thereof,

(a) shall obstruct or deposit material on or take up or in any way interfere with the King's Highway; or

(b) shall construct any private road, entrance-way, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway,

except in accordance with the conditions of a permit issued therefor by the Minister.

3. Section 45 of *The Highway Improvement Act, 1957* is ^{1957, c. 43, s. 45, amended} amended by adding thereto the following subsection:

(1a) A county may at any time submit to the Minister ^{Supplementary by-law} for his approval a by-law covering an estimated expenditure on roads supplementing the by-law submitted under subsection 1.

1957, c. 43,
s. 56, subs. 3,
amended

4. Subsection 3 of section 56 of *The Highway Improvement Act, 1957* is amended by inserting after "cent" in the second line "or more in total value than 50 per cent", so that the subsection shall read as follows:

Minimum
and
maximum
contribution

- (3) Such contribution shall not be less in total value than 25 per cent or more in total value than 50 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 40, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other roads in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

1957, c. 43,
s. 63,
amended

5. Section 63 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Interest in
contracts

- (9a) Any member of a suburban roads commission who is, directly or indirectly, interested in a contract with the commission or in which the commission has an interest shall, *ipso facto*, cease to be a member of the commission and the vacancy so created shall be filled under subsection 9.

1957, c. 43,
s. 71,
amended

6. Section 71 of *The Highway Improvement Act, 1957* is amended by adding thereto the following subsection:

Supple-
mentary
by-law

- (2a) A township may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 2.

1957, c. 43,
amended

7. *The Highway Improvement Act, 1957* is amended by adding thereto the following section:

Opening or
constructing
road in
subdivision
not eligible

- 71a. Where the whole or a part of an original township lot has been subdivided into lots and is being developed for building purposes, no subsidy shall be paid to the township under this Part for any expenditure made on the opening or constructing of any road in the subdivision unless the road is a main thoroughfare for traffic or is designated and laid out as such and is so designated by the Minister.

8. Section 76 of *The Highway Improvement Act, 1957* is 1957, c. 43
 amended by adding thereto the following subsection: s. 76,
 amended

- (2) A city, town or village may at any time submit to the Minister for his approval a by-law covering an estimated expenditure on road construction and maintenance supplementing the by-law submitted under subsection 1. Supplemen-
 tary by-law

9. This Act comes into force on the day it receives Royal Commence-
 ment
 Assent.

10. This Act may be cited as *The Highway Improvement* Short title
Amendment Act, 1958.

BILL

An Act to amend
The Highway Improvement Act, 1957

1st Reading

February 7th, 1958

2nd Reading

February 24th, 1958

3rd Reading

March 11th, 1958

MR. ALAN

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Secondary Schools and Boards of Education Act, 1954

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. The amendment is to provide for changes in high school districts that have been established by the Lieutenant-Governor in Council.

SECTION 2. At present, no member of a municipal council or officer of a municipality or county is qualified to be a member of a high school board. The amendment provides that no member of a municipal council or the clerk or treasurer of a municipality or county or any member of any other school board is qualified to be a member of a high school board.

SECTION 3. The amendment is to make it clear that only pupils who are resident in the high school district are to be counted in determining which public school board has the right to appoint a trustee to a high school board.

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 12, subs. 3, re-enacted

- (3) The Lieutenant-Governor in Council may establish In unorganized territory any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

2. Clause *e* of subsection 1 of section 19 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 19, subs. 1, cl. e, re-enacted

- (*e*) is not a member of a municipal council or the clerk or treasurer of a municipality or county or a member of any other school board or is otherwise disqualified.

3. Subsection 2 of section 23 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 23, subs. 2, re-enacted

- (2) Where two or more public school boards operate Idem public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district,

as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

1954, c. 87,
s. 24,
re-enacted

4. Section 24 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Board in
unorganized
territory

24.—(1) Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board.

Powers
and
duties

(2) The board may borrow money as provided in section 34 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-
ment of
costs

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

Assessment

(4) The assessor and tax collector appointed by the board for the territory without municipal organization shall have the same powers as an assessor and tax collector in a municipality.

Rates for
first year
to be levied
on current
assessment

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year.

1954, c. 87,
s. 29, subs. 1,
amended

5. Subsection 1 of section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after "thereof" in the eighth line "and of any territory without municipal organization", so that the subsection shall read as follows:

Debentures
for
permanent
improve-
ments

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised

SECTION 4. The amendment is to provide for assessing and tax collecting in the portion of a high school district that comprises territory without municipal organization.

SECTION 5. The amendment is to make it clear that property in territory without municipal organization that is in a high school district is liable for its share of any debenture debt incurred for high school purposes.

SECTION 6. At present, a council must levy for current purposes of a high school board such amount as the board may deem necessary for capital expenditure out of current revenue not exceeding \$5,000. The amendment changes the amount from \$5,000 to an amount calculated at one mill in the dollar upon the total assessment of the high school district and provides that any further amounts must be approved in the manner provided for approving debentures for permanent improvements.

SECTION 7. The subsection, as re-enacted, provides for a more frequent adjustment in the proportion of the secondary school costs borne by each municipality in a high school district.

Subsections 10 and 14, repealed, provide for the costs of an arbitration. These provisions are transferred to *The Schools Administration Act, 1954*. (See Bill No. 46.)

SECTION 8. The new section provides for the apportionment of secondary school costs where part of a high school district is territory without municipal organization.

by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

6. Clause *c* of subsection 2 of section 32 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 32, subs. 2, cl. c, re-enacted

- (c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at one mill in the dollar upon the total assessment of the high school district according to the last revised assessment roll and such further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

.

7. Subsections 10, 13 and 14 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor: 1954, c. 87, s. 33, subs. 10, 14, repealed; subs. 13, re-enacted

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. Effect of decision

8. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87, amended

33a.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 32 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised by assessment on the ratepayers of each municipality and the territory without municipal organization. Proportion of liability in high school districts that include unorganized territory

- (2) Subsections 9 to 15 of section 33 apply *mutatis mutandis* to an arbitration under this section. Application of sub-sections 9-15 of section 33

Reference to
Municipal
Board on
objection of
ratepayers
of
unorganized
territory

- (3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 11 of section 33.

1954, c. 87,
s. 62,
amended

9. Section 62 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Director
of
education

- (5) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
suspension
and
removal of
director
R.S.O. 1950,
c. 316

- (6) The provisions of *The Public Schools Act* with respect to the appointment, suspension and removal of an inspector shall apply *mutatis mutandis* to the appointment, suspension and removal of a director of education.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1958*.

SECTION 9. The new subsections provide for the appointment of a director of education.

BILL

An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

1st Reading

February 10th, 1958

2nd Reading

3rd Reading

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend

The Secondary Schools and Boards of Education Act, 1954

MR. DUNLOP

(Reprinted as amended by the Committee on Education)

EXPLANATORY NOTES

SECTION 1. The amendment is to provide for changes in high school districts that have been established by the Lieutenant-Governor in Council.

SECTION 2. At present, no member of a municipal council or officer of a municipality or county is qualified to be a member of a high school board. The amendment provides that no member of a municipal council or the clerk or treasurer of a municipality or county or any member of any other school board is qualified to be a member of a high school board.

SECTION 3. The amendment is to make it clear that only pupils who are resident in the high school district are to be counted in determining which public school board has the right to appoint a trustee to a high school board.

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 12, subs. 3, re-enacted

- (3) The Lieutenant-Governor in Council may establish In unorganized territory any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

2. Clause *e* of subsection 1 of section 19 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 19, subs. 1, cl. e, re-enacted

- (*e*) is not a member of a municipal council or the clerk or treasurer of a municipality or county or a member of any other school board or is otherwise disqualified.

3. Subsection 2 of section 23 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 23, subs. 2, re-enacted

- (2) Where two or more public school boards operate idem public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district,

as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

1954, c. 87,
s. 24,
re-enacted

4. Section 24 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Board in
unorganized
territory

24.—(1) Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board.

Powers
and
duties

(2) The board may borrow money as provided in section 34 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-
ment of
costs

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

Assessment

(4) The assessor and tax collector appointed by the board for the territory without municipal organization shall have the same powers as an assessor and tax collector in a municipality.

Rates for
first year
to be levied
on current
assessment

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year.

1954, c. 87,
s. 29, subs. 1
amended

5. Subsection 1 of section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after "thereof" in the eighth line "and of any territory without municipal organization", so that the subsection shall read as follows:

Debentures
for
permanent
improve-
ments

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised

SECTION 4. The amendment is to provide for assessing and tax collecting in the portion of a high school district that comprises territory without municipal organization.

SECTION 5. The amendment is to make it clear that property in territory without municipal organization that is in a high school district is liable for its share of any debenture debt incurred for high school purposes.

SECTION 6. At present, a council must levy for current purposes of a high school board such amount as the board may deem necessary for capital expenditure out of current revenue not exceeding \$5,000. The amendment changes the amount from \$5,000 to an amount calculated at one mill in the dollar upon the total assessment of the high school district and provides that any further amounts must be approved in the manner provided for approving debentures for permanent improvements.

SECTION 7. The subsection, as re-enacted, provides for a more frequent adjustment in the proportion of the secondary school costs borne by each municipality in a high school district.

Subsections 10 and 14, repealed, provide for the costs of an arbitration. These provisions are transferred to *The Schools Administration Act, 1954*. (See Bill No. 46.)

SECTION 8. The new section provides for the apportionment of secondary school costs where part of a high school district is territory without municipal organization.

by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

6. Clause *c* of subsection 2 of section 32 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87,
s. 32, subs. 2,
cl. *c*,
re-enacted .

- (*c*) expenditures for permanent improvements out of current funds not exceeding a sum calculated at one mill in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

.

7. Subsections 10, 13 and 14 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor: 1954, c. 87,
s. 33,
subs. 10, 14,
repealed;
subs. 13,
re-enacted

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. Effect of
decision

8. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87,
amended

33a.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 32 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization. Proportion
of liability
in high
school
districts
that include
unorganized
territory

- (2) Subsections 9 to 15 of section 33 apply *mutatis mutandis* to an arbitration under this section. Application
of sub-
sections 9-15
of section 33

Reference to
Municipal
Board on
objection of
ratepayers
of
unorganized
territory

- (3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 11 of section 33.

1954, c. 87,
s. 62,
amended

9. Section 62 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Director
of
education

- (5) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
suspension
and
removal of
director
R.S.O. 1950,
c. 316

- (6) The provisions of *The Public Schools Act* with respect to the appointment, suspension and removal of an inspector shall apply *mutatis mutandis* to the appointment, suspension and removal of a director of education.

Commence-
ment

10.—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1958.

Short title

11. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1958*.

SECTION 9. The new subsections provide for the appointment of a director of education.

BILL

An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

1st Reading

February 10th, 1958

2nd Reading

February 18th, 1958

3rd Reading

MR. DUNLOP

(*Reprinted as amended by the
Committee on Education*)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Secondary Schools and Boards of Education Act, 1954

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Secondary Schools and Boards of Education Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 12, subs. 3, re-enacted

- (3) The Lieutenant-Governor in Council may establish In unorganized territory any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

-2. Clause *e* of subsection 1 of section 19 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 19, subs. 1, cl. e, re-enacted

- (*e*) is not a member of a municipal council or the clerk or treasurer of a municipality or county or a member of any other school board or is otherwise disqualified.

3. Subsection 2 of section 23 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 23, subs. 2, re-enacted

- (2) Where two or more public school boards operate Idem public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district,

as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

1954, c. 87,
s. 24,
re-enacted

4. Section 24 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor:

Board in
unorganized
territory

24.—(1) Where a high school district is established under subsection 3 of section 12, the Lieutenant-Governor in Council may provide for the formation of a board.

Powers
and
duties

(2) The board may borrow money as provided in section 34 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-
ment of
costs

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

Assessment

(4) The assessor and tax collector appointed by the board for the territory without municipal organization shall have the same powers as an assessor and tax collector in a municipality.

Rates for
first year
to be levied
on current
assessment

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year.

1954, c. 87,
s. 29, subs. 1,
amended

5. Subsection 1 of section 29 of *The Secondary Schools and Boards of Education Act, 1954* is amended by inserting after "thereof" in the eighth line "and of any territory without municipal organization", so that the subsection shall read as follows:

Debentures
for
permanent
improve-
ments

(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised

by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

6. Clause *c* of subsection 2 of section 32 of *The Secondary Schools and Boards of Education Act, 1954* is repealed and the following substituted therefor: 1954, c. 87, s. 32, subs. 2, cl. *c*, re-enacted

- (c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at one mill in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

7. Subsections 10, 13 and 14 of section 33 of *The Secondary Schools and Boards of Education Act, 1954* are repealed and the following substituted therefor: 1954, c. 87, s. 33, subs. 10, 14, repealed; subs. 13, re-enacted

- (13) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, shall be effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. Effect of decision

8. *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following section: 1954, c. 87, amended

33a.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 32 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization. Proportion of liability in high school districts that include unorganized territory

- (2) Subsections 9 to 15 of section 33 apply *mutatis mutandis* to an arbitration under this section. Application of subsections 9-15 of section 33

Reference to
Municipal
Board on
objection of
ratepayers
of
unorganized
territory

- (3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 11 of section 33.

1954, c. 87,
s. 62,
amended

9. Section 62 of *The Secondary Schools and Boards of Education Act, 1954* is amended by adding thereto the following subsection:

Director
of
education

- (5) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
suspension
and
removal of
director
R.S.O. 1950,
c. 316

- (6) The provisions of *The Public Schools Act* with respect to the appointment, suspension and removal of an inspector shall apply *mutatis mutandis* to the appointment, suspension and removal of a director of education.

Commence-
ment

10.—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 shall be deemed to have come into force on the 1st day of January, 1958.

Short title

11. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1958*.

BILL

An Act to amend
The Secondary Schools and Boards
of Education Act, 1954

1st Reading

February 10th, 1958

2nd Reading

February 18th, 1958

3rd Reading

March 17th, 1958

Mr. DUNLOP

No. 81

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Schools Act

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. - The amendment is to clarify the use of land that may be acquired for a school site.

SECTION 2. *The School Attendance Act* was repealed in 1954 and the provisions were included in Part I of *The Schools Administration Act, 1954*. The reference to *The School Attendance Act* is, therefore, amended accordingly.

SECTION 3. Subsection 24 is repealed as it refers to section 87 which was repealed in 1954 and the provision included in *The Schools Administration Act, 1954*.

SECTION 4. The provisions with regard to the formation of township school areas in unorganized townships are enlarged to also provide for the formation of such areas in unsurveyed territory.

No. 81

1958

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of section 1 of *The Public Schools Act*, as re-lettered by section 1 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 1,
cl. *n*,
re-enacted

- (*n*) "school site" means the land necessary for a school-house, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board.

2. Subsection 4 of section 5 of *The Public Schools Act* is amended by striking out "*The School Attendance Act*" in the seventh line and inserting in lieu thereof "*Part I of The Schools Administration Act, 1954*", so that the subsection shall read as follows:

R.S.O. 1950,
c. 316, s. 5,
subs. 4,
amended

- (4) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send the child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in the municipality or school section, and every such corporation, society, agent or person shall be subject to the provisions of Part I of *The Schools Administration Act, 1954* in the same manner and to the same extent as a ratepayer.

Rights of
persons
having
charge of
children

1954, c. 86

3. Subsection 24 of section 15 of *The Public Schools Act* is repealed.

R.S.O. 1950,
c. 316, s. 15,
subs. 24,
repealed

4. Subsections 1 and 6 of section 16 of *The Public Schools Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 316, s. 16,
subs. 1, 6,
re-enacted

- (1) An inspector may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form two or more

Township
school
areas in
unorganized
territory

school sections in territory without municipal organization or parts thereof into a township school area and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

Incorporation

- (6) Every board of trustees of a township school area formed under this section shall be a corporation by the name of "The Public School Board of the Township School Area of....." (inserting the name selected by the inspector and approved by the Minister).

R.S.O. 1950,
c. 316, s. 32,
subs. 9,
re-enacted

5. Subsection 9 of section 32 of *The Public Schools Act* is repealed and the following substituted therefor:

Arbitrators

- (9) Each of the councils so petitioned shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council, and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality and each such inspector shall also be an arbitrator.

R.S.O. 1950,
c. 316, s. 43,
subs. 4,
amended

6. Subsection 4 of section 43 of *The Public Schools Act* is amended by striking out "The provisions of subsection 1 of section 6" in the first line and inserting in lieu thereof "Section 3 of *The Schools Administration Act, 1954*", so that the subsection shall read as follows:

Attendance
at school
when second
school
closed

1954, c. 86

- (4) Section 3 of *The Schools Administration Act, 1954* shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending the second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of the school section from the duty of providing school accommodation for such pupils during such periods.

R.S.O. 1950,
c. 316, s. 47
(1957, c. 101,
s. 10),
re-enacted

7. Section 47 of *The Public Schools Act*, as re-enacted by section 10 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

- 47.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be

SECTION 5. The provisions providing for the appointment of arbitrators on a petition for the formation, alteration or dissolution of a union school section are amended to provide that the councils of municipalities concerned must appoint arbitrators within thirty days of the receipt of the petition.

SECTION 6. The provisions of subsection 1 of section 6 of *The Public Schools Act* are included in section 3 of *The Schools Administration Act, 1954*. The reference to such provisions is amended accordingly.

SECTION 7. The amendment provides that an organized municipality in estimating the sums required to be raised with respect to territory without municipal organization that is included in the same school section shall make allowance for abatement of and discount on taxes and for uncollectable taxes in territory without municipal organization. This will result in placing the burden of uncollected taxes, etc., in the unorganized part on the ratepayers of such unorganized part rather than the ratepayers of the organized municipality.

SECTION 8 The amendment provides for the defining and altering of boundaries of a school section in unsurveyed territory.

SECTION 9. The amendment is to clarify the procedure for each municipality in a township area to pay its share of a loan to the municipality that issued the debentures.

deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

- (2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall, Estimates to include expenses of collection, etc., and allowances to be made

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes which it is estimated will not be collected during the year in such part of territory without municipal organization; and
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio which the assessment in that part of the territory without municipal organization bears to the total assessment of the union section.

8. Section 50 of *The Public Schools Act*, as amended by R.S.O. 1950, section 5 of *The Public Schools Amendment Act, 1954*, is c. 316, s. 50, amended further amended by adding thereto the following subsections:

- (2b) The inspector shall define the area of the school Limits of section section not exceeding thirty-six square miles and subject to this restriction and with the approval of the Minister may alter the boundaries of the school section.
- (2c) Any alteration of the boundaries of a school section Effective date of alteration under this section shall take effect on the 25th day of December.

9. Section 56 of *The Public Schools Act*, as re-enacted by R.S.O. 1950, section 11 of *The Public Schools Amendment Act, 1957*, is c. 316, s. 56 (1957, c. 101, s. 11), amended amended by adding thereto the following subsection:

Municipalities in township school area to pay in proportion

- (13) Where a township school area comprises two or more municipalities or parts thereof, subsection 5 of section 58 shall apply to such municipalities.

R.S.O. 1950, c. 316, s. 70, repealed

- 10.** Section 70 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 83, subs. 4, amended

- 11.** Subsection 4 of section 83 of *The Public Schools Act* is amended by inserting after "available" in the second line "or that the electors have failed to elect trustees", so that the subsection shall read as follows:

Appointment of trustees on failure of qualified persons

- (4) Where the inspector reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act.

R.S.O. 1950, c. 316, s. 93, cl. 1, repealed

- 12.** Clause *t* of section 93 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, ss. 125, 126, repealed

- 13.** Sections 125 and 126 of *The Public Schools Act* are repealed.

Commencement

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1958*.

SECTION 10. Section 70, providing for the appointment of trustees by council where the electors neglect or refuse to elect trustees, is repealed. The appointment of trustees under such circumstances is dealt with in an amendment to subsection 4 of section 83. (See section 11 of this Bill.)

SECTION 11. The amendment provides for the appointment of trustees by the Minister where the electors have failed to elect trustees.

SECTION 12. The clause repealed deals with the municipal audit of the accounts of a public school board. The provisions are included in *The Schools Administration Act, 1954*.

SECTION 13. The sections repealed deal with costs and allowances to arbitrators. The provisions are included in *The Schools Administration Act, 1954* and will apply with respect to arbitrations regarding all school boards.

An Act to amend
The Public Schools Act

1st Reading

February 10th, 1958

2nd Reading

3rd Reading

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Schools Act

MR. DUNLOP

BILL

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of section 1 of *The Public Schools Act*, as re-lettered by section 1 of *The Public Schools Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 1, cl. *n*, re-enacted

- (*n*) "school site" means the land necessary for a school-house, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board.

2. Subsection 4 of section 5 of *The Public Schools Act* is amended by striking out "*The School Attendance Act*" in the seventh line and inserting in lieu thereof "*Part I of The Schools Administration Act, 1954*", so that the subsection shall read as follows: R.S.O. 1950, c. 316, s. 5, subs. 4, amended

- (4) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send the child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in the municipality or school section, and every such corporation, society, agent or person shall be subject to the provisions of Part I of *The Schools Administration Act, 1954* in the same manner and to the same extent as a ratepayer. Rights of persons having charge of children 1954, c. 86

3. Subsection 24 of section 15 of *The Public Schools Act* is repealed. R.S.O. 1950, c. 316, s. 15, subs. 24, repealed

4. Subsections 1 and 6 of section 16 of *The Public Schools Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 316, s. 16, subs. 1, 6, re-enacted

- (1) An inspector may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form two or more Township school areas in unorganized territory

school sections in territory without municipal organization or parts thereof into a township school area and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

.

Incorporation

- (6) Every board of trustees of a township school area formed under this section shall be a corporation by the name of "The Public School Board of the Township School Area of....." (*inserting the name selected by the inspector and approved by the Minister*).

R.S.O. 1950,
c. 316, s. 32,
subs. 9,
re-enacted

5. Subsection 9 of section 32 of *The Public Schools Act* is repealed and the following substituted therefor:

Arbitrators

- (9) Each of the councils so petitioned shall, within thirty days of the receipt of the petition, appoint an arbitrator who shall not be a member of the council, and the clerk of each municipality concerned shall send a notice of the appointment to the inspector in the municipality and each such inspector shall also be an arbitrator.

R.S.O. 1950,
c. 316, s. 43,
subs. 4,
amended

6. Subsection 4 of section 43 of *The Public Schools Act* is amended by striking out "The provisions of subsection 1 of section 6" in the first line and inserting in lieu thereof "Section 3 of *The Schools Administration Act, 1954*", so that the subsection shall read as follows:

Attendance
at school
when second
school
closed

1954, c. 86

- (4) Section 3 of *The Schools Administration Act, 1954* shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending the second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of the school section from the duty of providing school accommodation for such pupils during such periods.

R.S.O. 1950,
c. 316, s. 47
(1957, c. 101,
s. 10),
re-enacted

7. Section 47 of *The Public Schools Act*, as re-enacted by section 10 of *The Public Schools Amendment Act, 1957*, is repealed and the following substituted therefor:

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

- 47.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be

deemed to be annexed to the organized municipality which has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

- (2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall, Estimates to include expenses of collection, etc., and allowances to be made

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes which it is estimated will not be collected during the year in such part of territory without municipal organization; and
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio which the assessment in that part of the territory without municipal organization bears to the total assessment of the union section.

8. Section 50 of *The Public Schools Act*, as amended by R.S.O. 1950, section 5 of *The Public Schools Amendment Act, 1954*, is c. 316, s. 50, amended further amended by adding thereto the following subsections:

- (2b) The inspector shall define the area of the school section not exceeding thirty-six square miles and subject to this restriction and with the approval of the Minister may alter the boundaries of the school section. Limits of section
- (2c) Any alteration of the boundaries of a school section under this section shall take effect on the 25th day of Effective date of alteration December.

9. Section 56 of *The Public Schools Act*, as re-enacted by R.S.O. 1950, section 11 of *The Public Schools Amendment Act, 1957*, is c. 316, s. 56, (1957, c. 101, s. 11), amended amended by adding thereto the following subsection:

Municipalities in township school area to pay in proportion

- (13) Where a township school area comprises two or more municipalities or parts thereof, subsection 5 of section 58 shall apply to such municipalities.

R.S.O. 1950, c. 316, s. 70, repealed

- 10.** Section 70 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, s. 83, subs. 4, amended

- 11.** Subsection 4 of section 83 of *The Public Schools Act* is amended by inserting after "available" in the second line "or that the electors have failed to elect trustees", so that the subsection shall read as follows:

Appointment of trustees on failure of qualified persons

- (4) Where the inspector reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act.

R.S.O. 1950, c. 316, s. 93, cl. 1, repealed

- 12.** Clause *t* of section 93 of *The Public Schools Act* is repealed.

R.S.O. 1950, c. 316, ss. 125, 126, repealed

- 13.** Sections 125 and 126 of *The Public Schools Act* are repealed.

Commencement

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** This Act may be cited as *The Public Schools Amendment Act, 1958*.

BILL

An Act to amend
The Public Schools Act

1st Reading

February 10th, 1958

2nd Reading

February 18th, 1958

3rd Reading

March 17th, 1958

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

EXPLANATORY NOTES

SECTION 1. The minutes of a school meeting are at present required to be signed by the chairman and secretary and forwarded by the chairman to the Minister. The amendment will require the secretary to forward them to the separate school inspector.

SECTION 2—Subsection 1. The amendment is to bring this provision into line with similar provisions in the various school Acts.

Subsection 2. The amendment provides for the payment of teachers salaries on a monthly rather than on a quarterly basis.

SECTION 3. This section is obsolete and is, therefore, repealed. Teachers' pension plans are now provided for in *The Teachers' Superannuation Act* and pension plans for non-teaching employees are provided for in *The Schools Administration Act, 1954*.

No. 82

1958

BILL

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 of section 26 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 356, s. 26, subs. 17, re-enacted

(17) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school. Secretary to transmit minutes to inspector

2.—(1) Clause *d* of section 46 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 356, s. 46, cl. *d*, re-enacted

(*d*) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board. to provide accommodation and teachers;

(2) Clause *u* of the said section 46 is amended by striking out "quarterly" in the second line and inserting in lieu thereof "monthly", so that the clause shall read as follows: R.S.O. 1950, c. 356, s. 46, cl. *u*, amended

(*u*) to arrange for the payment of teachers' salaries monthly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding 8 per cent per annum, the money required for that purpose until the taxes are collected. payment of salaries;

3. Section 82 of *The Separate Schools Act* is repealed. R.S.O. 1950, c. 356, s. 82, repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Separate Schools Amendment Act, 1958*. Short title

BILL

An Act to amend
The Separate Schools Act

1st Reading

February 10th, 1958

2nd Reading

3rd Reading

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Separate Schools Act

MR. DUNLOP

No. 82

1958

BILL

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 of section 26 of *The Separate Schools Act* R.S.O. 1950, c. 356, s. 26, subs. 17, re-enacted is repealed and the following substituted therefor:

(17) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school. Secretary to transmit minutes to inspector

2.—(1) Clause *d* of section 46 of *The Separate Schools Act* R.S.O. 1950, c. 356, s. 46, cl. *d*, re-enacted is repealed and the following substituted therefor:

(*d*) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board. to provide accommodation and teachers;

(2) Clause *u* of the said section 46 is amended by striking out "quarterly" in the second line and inserting in lieu thereof "monthly", so that the clause shall read as follows: R.S.O. 1950, c. 356, s. 46, cl. *u*, amended

(*u*) to arrange for the payment of teachers' salaries monthly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding 8 per cent per annum, the money required for that purpose until the taxes are collected. payment of salaries;

3. Section 82 of *The Separate Schools Act* is repealed. R.S.O. 1950, c. 356, s. 82, repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Separate Schools Amendment Act, 1958*. Short title

An Act to amend
The Separate Schools Act

1st Reading

February 10th, 1958

2nd Reading

February 18th, 1958

3rd Reading

March 17th, 1958

MR. DUNLOP

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to amend
**The Ontario-St. Lawrence Development
Commission Act, 1955**

MR. NICKLE

EXPLANATORY NOTES

SECTION 1. The amendment will make this Act applicable to lands in the counties of Frontenac and Lennox and Addington that may be placed under the control of The Ontario-St. Lawrence Development Commission.

SECTION 2. The membership of the Commission presently consists of not less than three and not more than nine members. The amendment increases the maximum of nine to eleven.

No. 83

1958

BILL

An Act to amend The Ontario-St. Lawrence Development Commission Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by inserting ^{1955, c. 59, s. 1, cl. *c*, amended} after "Grenville" in the second line "Frontenac, Lennox and Addington", so that the clause shall read as follows:

(c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

2. Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by striking out ^{1955, c. 59, s. 2, subs. 1, amended} "nine" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than eleven members, of whom one shall be chairman and two shall be vice-chairmen. ^{Commission established}

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1958*. ^{Short title}

An Act to amend
The Ontario-St. Lawrence
Development Commission Act, 1955

1st Reading

February 10th, 1958

2nd Reading

3rd Reading

MR. NICKLE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Ontario-St. Lawrence Development
Commission Act, 1955

MR. NICKLE

No. 83

1958

BILL

An Act to amend The Ontario-St. Lawrence Development Commission Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by inserting ^{1955, c. 59, s. 1, cl. 6, amended} after "Grenville" in the second line "Frontenac, Lennox and Addington", so that the clause shall read as follows:

(c) "Parks" means all land in the counties of Glengarry, Stormont, Dundas, Grenville, Frontenac, Lennox and Addington, and Leeds hereafter vested in or placed under the control of the Commission, including highways, roads and boulevards and any interest in land.

2. Subsection 1 of section 2 of *The Ontario-St. Lawrence Development Commission Act, 1955* is amended by striking out ^{1955, c. 59, s. 2, subs. 1, amended} "nine" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital ^{Commission established} under the name of The Ontario-St. Lawrence Development Commission, consisting of not less than three and not more than eleven members, of whom one shall be chairman and two shall be vice-chairmen.

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1958*. ^{Short title}

BILL

An Act to amend
The Ontario-St. Lawrence
Development Commission Act, 1955

1st Reading

February 10th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 17th, 1958

MR. NICKLE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to repeal The Town Sites Act

MR. MAPLEDORAM

EXPLANATORY NOTE

The substance of this Act, in revised form, is being incorporated in *The Public Lands Act*. See section 8 of Bill No. 85.

No. 84

1958

BILL

An Act to repeal The Town Sites Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Town Sites Act* is repealed.

R.S.O. 1950,
c. 394,
repealed

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Town Sites Repeal Act*, Short title 1958.

BILL

An Act to repeal
The Town Sites Act

1st Reading

February 12th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to repeal The Town Sites Act

MR. MAPLEDORAM

No. 84

1958

BILL

An Act to repeal The Town Sites Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Town Sites Act* is repealed.

R.S.O. 1950,
c. 394, § 1
repealed

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Town Sites Repeal Act*, Short title 1958.

BILL

An Act to repeal
The Town Sites Act

1st Reading

February 12th, 1958

2nd Reading

February 17th, 1958

3rd Reading

March 17th, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Lands Act

MR. MAPLEDORAM



EXPLANATORY NOTES

SECTION 1. The present sections 9 and 10, which deal with public land agents, are obsolete as there are no longer any such officers. The sections are therefore repealed.

SECTION 2. The purpose of the proposed section 12*a* is to enable the Surveyor-General to require a survey to be made at the expense of the purchaser before public lands are sold. Heretofore these requirements have been contained in the regulations made under the Act.

SECTION 3. The purpose of the proposed section 14*a* is to enable the Minister to zone public lands for recreational use in line with modern planning and administrative practices.

SECTION 4. Subsection 1*a* will enable the Minister to dispose of public lands by tender or by auction, thus authorizing him to dispose of lands in which there is a marked interest to the best advantage of the Crown.

No. 85

1958

BILL

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Public Lands Act* are repealed. R.S.O. 1950,
c. 309,
ss. 9, 10,
repealed

2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 309,
amended

12a.—(1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor-General may require the applicant to have a survey made and to bear the cost thereof, or he may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor-General shall cause the lands to be surveyed. Where
survey
is re-
quired

(2) The requirements of subsection 1 are additional to *Idem* the payment of the sale price of the lands.

3. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 309,
amended

14a.—(1) In his management of the public lands for recreational use, the Minister may from time to time define areas on maps or plans, and he may designate such areas as zones, and he may classify any such zone as "Open", "Deferred", "Wilderness", or otherwise as he deems proper. Zoning
public
lands for
recreational
use

(2) The Minister may designate areas in which the public lands are not open for disposition as summer resort locations until a plan of subdivision of the lands to be disposed of is registered under *The Land Titles Act* or *The Registry Act*. Plan of
subdivision
may be
required
R.S.O. 1950,
cc. 197, 336

4. Section 15 of *The Public Lands Act*, as amended by section 4 of *The Public Lands Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 309, s. 15,
amended

Sale by
tender or
auction

- (1a) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 29,
re-enacted;
s. 30,
repealed

5. Sections 29 and 30 of *The Public Lands Act* are repealed and the following substituted therefor:

How
Department
employees
may acquire
public lands

29. No person holding an office in or under the Department and no person employed in or under the Department shall, directly or indirectly, purchase any right, title or interest in any public lands either in his own name or by the interposition of any other person or in the name of any other person in trust for himself without the approval of the Lieutenant-Governor in Council.

R.S.O. 1950,
c. 309, s. 57a,
subs. 2
(1956, c. 72,
s. 5),
re-enacted

6. Subsection 2 of section 57a of *The Public Lands Act*, as re-enacted by section 5 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of
trees
reserved,
etc.

- (2) Where public lands have been disposed of by the Crown under this or any other Act and some but not all of the species of trees thereon have been reserved to the Crown and are not under timber licence, the Minister may, if the lands comprise not more than 200 acres, or, if the lands comprise more than 200 acres, the Minister may, with the approval of the Lieutenant-Governor in Council, acquire any species of trees not so reserved or release any species of trees so reserved at such price and upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 61a
(1953, c. 88,
s. 12),
subs. 1,
re-enacted

7. Subsection 1 of section 61a of *The Public Lands Act*, as enacted by section 12 of *The Public Lands Amendment Act, 1953* and amended by section 6 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of
road
reservations

- (1) Where letters patent have issued for land that is in a municipality and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from any reservation relating to roads mentioned in section 61 or in the letters patent.

SECTION 5. Under the present section 29 employees of the Department are prohibited from purchasing public lands. Under the section as re-enacted these employees may purchase public lands with the approval of the Lieutenant-Governor in Council.

Section 30 of the Act, which deals with public land agents, is obsolete as there are no longer any such officers. The section is therefore repealed

SECTION 6. Subsection 2 of the present section 57*a*, which provides for the release to a land owner of pine trees reserved to the Crown, is broadened in the interest of good forest management. In cases where the ownership of the trees is divided, that is, where some species are owned by the land owner and others by the Crown, the new provision will enable all species to be acquired either by the land owner or by the Crown, thus bringing to an end problems that arise from divided ownership.

SECTION 7. Subsection 1 of the present section 61*a*, which provides for the release of a reservation for roads contained in letters patent upon application of the owner of the land, is broadened to include the reservation relating to roads contained in section 61 of the Act.

SECTION 8. The proposed section 65 replaces *The Town Sites Act* which is being repealed. See Bill No. 84.

The principles of *The Town Sites Act* are retained but the procedures are clarified and simplified.

8. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 309,
amended

- 65.—(1) Subject to subsection 5, where public lands that have been disposed of by the Crown under this or any other Act are surveyed and subdivided for the purpose of being sold or conveyed in lots or blocks by reference to a plan to be registered under *The Land Titles Act* or *The Registry Act* and such plan is signed within five years of the issue of the letters patent granting the land by the owner of the land shown on the plan to be registered, one-quarter in acreage of all the lots and blocks shown on the plan become the property of and are vested in the Crown upon the registration of the plan. Right of
Crown to
one-quarter
of lots

R.S.O. 1950,
cc. 197, 336
- (2) In cases under subsection 1, the Minister may make such selection of the lots or blocks on the plan as he and the person by whom the plan is to be registered may agree upon, or the Minister may first select one lot or block and such person shall then select three lots or blocks and so on in turn, the Minister selecting one and such person three until the division is made. Manner of
selection
- (3) The selection made under subsection 2 shall comprise as nearly as may be one-quarter in acreage of all the lots and blocks on the plan and, for the purpose of subsection 1, the selection so made shall be deemed to comprise one-quarter in acreage of such lots and blocks. Selection
made
deemed
to be
one-quarter
of lots
- (4) In cases under subsection 2, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect: Certificate
of Minister
as to
selection
- I hereby certify that, pursuant to subsection 2 of section 65 of *The Public Lands Act*, I have selected from all the lots and blocks on this
(lot or block)
plan.
- Dated at Toronto this day of,
19....
-
Minister of Lands and Forests
- (5) The Minister, with the approval of the Lieutenant-Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots and blocks on the plan. Communi-
cation

Certificate
of Minister
as to money
payment

- (6) In cases under subsection 5, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect:

Pursuant to subsection 5 of section 65 of *The Public Lands Act*, the Lieutenant-Governor in Council by his Order Number, dated the . . . day of, 19. . . . , has approved the acceptance of a money payment in lieu of one-quarter in acreage of all the lots and blocks on this plan.

Dated at Toronto this . . . day of, 19. . . .

Minister of Lands and Forests

Condition
precedent
to
registration

- (7) No plan under this section and no instrument referring thereto shall be registered in any land titles office or registry office until a certificate under subsection 4 or 6 is endorsed thereon.

Entry of
Crown as
owner

- (8) In cases under subsection 2, the local master of titles or the registrar, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots or blocks mentioned in the certificate endorsed thereon.

Mines and
minerals

- (9) Nothing in this section affects any rights in mines or minerals.

Release
by
Crown
R.S.O. 1950,
c. 394

9.—(1) Where a plan of subdivision to which *The Town Sites Act* applied has been registered without the approval of the Lieutenant-Governor in Council and without being signed by the Minister of Lands and Forests as required by that Act, the Crown shall in every such case be deemed to have released its rights under that Act.

R.S.O. 1950,
c. 394, s. 4
of no
effect

(2) Section 4 of *The Town Sites Act* shall be deemed to be and always to have been void and of no effect.

Reservation
in letters
patent
voided,
Striker Twp.

10. The reservation contained in certain letters patent dated the 29th day of August, 1882, that granted Broken Lot 1, Concession 1, in the Township of Striker to William Lount, in the words "Reserving to Our Heirs and Successors the right to take so much of said land as may be necessary for the purposes of the Right of Way Sidings Station Grounds and Docks of The Ontario Sault Sainte Marie Railway without compensation for such Reservation" shall be deemed to be void and of no effect.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Lands Amendment Act, 1958*.

SECTION 9. The purpose of this section is to remove the cloud on title that exists in cases where *The Town Sites Act* has not been complied with.

SECTION 10. This section makes void an obsolete reservation to the Crown.

BILL

An Act to amend
The Public Lands Act

1st Reading

February 12th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Lands Act

MR. MAPLEDORAM

No. 1
 The undersigned, J. B. Smith, of the County of ... State of ...
 do hereby certify that ...

J. B. Smith
 Clerk of the County of ... State of ...

Name	Age	Sex	Color	Religion
John Doe	25	Male	White	Catholic
Jane Doe	22	Female	White	Catholic
John Doe	18	Male	White	Catholic

No. 85

1958

BILL

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Public Lands Act* are repealed. R.S.O. 1950, c. 309, ss. 9, 10, repealed

2. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950, c. 309, amended

12a.—(1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor-General may require the applicant to have a survey made and to bear the cost thereof, or he may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor-General shall cause the lands to be surveyed. Where survey required

(2) The requirements of subsection 1 are additional to the payment of the sale price of the lands. Idem

3. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950, c. 309, amended

14a.—(1) In his management of the public lands for recreational use, the Minister may from time to time define areas on maps or plans, and he may designate such areas as zones, and he may classify any such zone as "Open", "Deferred", "Wilderness", or otherwise as he deems proper. Zoning public lands for recreational use

(2) The Minister may designate areas in which the public lands are not open for disposition as summer resort locations until a plan of subdivision of the lands to be disposed of is registered under *The Land Titles Act* or *The Registry Act*. Plan of subdivision may be required

4. Section 15 of *The Public Lands Act*, as amended by section 4 of *The Public Lands Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 309, s. 15, amended

Sale by
tender or
auction

- (1a) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 29,
re-enacted;
s. 30,
repealed

5. Sections 29 and 30 of *The Public Lands Act* are repealed and the following substituted therefor:

How
Department
employees
may acquire
public lands

29. No person holding an office in or under the Department and no person employed in or under the Department shall, directly or indirectly, purchase any right, title or interest in any public lands either in his own name or by the interposition of any other person or in the name of any other person in trust for himself without the approval of the Lieutenant-Governor in Council.

R.S.O. 1950,
c. 309, s. 57a,
subs. 2
(1956, c. 72,
s. 5),
re-enacted

6. Subsection 2 of section 57a of *The Public Lands Act*, as re-enacted by section 5 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of
trees
reserved,
etc.

- (2) Where public lands have been disposed of by the Crown under this or any other Act and some but not all of the species of trees thereon have been reserved to the Crown and are not under timber licence, the Minister may, if the lands comprise not more than 200 acres, or, if the lands comprise more than 200 acres, the Minister may, with the approval of the Lieutenant-Governor in Council, acquire any species of trees not so reserved or release any species of trees so reserved at such price and upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 61a
(1953, c. 88,
s. 12),
subs. 1,
re-enacted

7. Subsection 1 of section 61a of *The Public Lands Act*, as enacted by section 12 of *The Public Lands Amendment Act, 1953* and amended by section 6 of *The Public Lands Amendment Act, 1956*, is repealed and the following substituted therefor:

Release of
road
reservations

- (1) Where letters patent have issued for land that is in a municipality and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from any reservation relating to roads mentioned in section 61 or in the letters patent.

8. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 309,
amended

65.—(1) Subject to subsection 5, where public lands that have been disposed of by the Crown under this or any other Act are surveyed and subdivided for the purpose of being sold or conveyed in lots or blocks by reference to a plan to be registered under *The Land Titles Act* or *The Registry Act* and such plan is signed within five years of the issue of the letters patent granting the land by the owner of the land shown on the plan to be registered, one-quarter in acreage of all the lots and blocks shown on the plan become the property of and are vested in the Crown upon the registration of the plan. Right of
Crown to
one-quarter
of lots

R.S.O. 1950,
cc. 197, 336

(2) In cases under subsection 1, the Minister may make such selection of the lots or blocks on the plan as he and the person by whom the plan is to be registered may agree upon, or the Minister may first select one lot or block and such person shall then select three lots or blocks and so on in turn, the Minister selecting one and such person three until the division is made. Manner of
selection

(3) The selection made under subsection 2 shall comprise as nearly as may be one-quarter in acreage of all the lots and blocks on the plan and, for the purpose of subsection 1, the selection so made shall be deemed to comprise one-quarter in acreage of such lots and blocks. Selection
made
deemed
to be
one-quarter
of lots

(4) In cases under subsection 2, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect: Certificate
of Minister
as to
selection

I hereby certify that, pursuant to subsection 2 of section 65 of *The Public Lands Act*, I have selected from all the lots and blocks on this
(lot or block)
plan.

Dated at Toronto this day of,
19....

.....
Minister of Lands and Forests

(5) The Minister, with the approval of the Lieutenant-Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots and blocks on the plan. Commu-
tation

Certificate
of Minister
as to money
payment

- (6) In cases under subsection 5, there shall be endorsed on the plan a certificate of the Minister in the words or in words of like effect:

Pursuant to subsection 5 of section 65 of *The Public Lands Act*, the Lieutenant-Governor in Council by his Order Number, dated the . . . day of, 19. . . . , has approved the acceptance of a money payment in lieu of one-quarter in acreage of all the lots and blocks on this plan.

Dated at Toronto this . . . day of, 19. . . .

.....
Minister of Lands and Forests

Condition
precedent
to
registration

- (7) No plan under this section and no instrument referring thereto shall be registered in any land titles office or registry office until a certificate under subsection 4 or 6 is endorsed thereon.

Entry of
Crown as
owner

- (8) In cases under subsection 2, the local master of titles or the registrar, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots or blocks mentioned in the certificate endorsed thereon.

Mines and
minerals

- (9) Nothing in this section affects any rights in mines or minerals.

Release
by
Crown
R.S.O. 1950,
c. 394

9.—(1) Where a plan of subdivision to which *The Town Sites Act* applied has been registered without the approval of the Lieutenant-Governor in Council and without being signed by the Minister of Lands and Forests as required by that Act, the Crown shall in every such case be deemed to have released its rights under that Act.

R.S.O. 1950,
c. 394, s. 4
of no
effect

(2) Section 4 of *The Town Sites Act* shall be deemed to be and always to have been void and of no effect.

Reservation
in letters
patent
voided,
Striker Twp.

10. The reservation contained in certain letters patent dated the 29th day of August, 1882, that granted Broken Lot 1, Concession 1, in the Township of Striker to William Lount, in the words "Reserving to Our Heirs and Successors the right to take so much of said land as may be necessary for the purposes of the Right of Way Sidings Station Grounds and Docks of The Ontario Sault Sainte Marie Railway without compensation for such Reservation" shall be deemed to be void and of no effect.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Lands Amendment Act, 1958*.

BILL

An Act to amend
The Public Lands Act

1st Reading

February 12th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 17th, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Investigation of Titles Act

MR. ROBERTS

EXPLANATORY NOTE

The internal reference is brought up to date.

No. 86

1958

BILL

An Act to amend The Investigation of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Investigation of Titles Act*, as enacted by section 1 of *The Investigation of Titles Amendment Act, 1957*, is amended by striking out "*The Certification of Plans of Subdivision Act, 1957*" in the second and third lines and inserting in lieu thereof "*The Certification of Titles Act, 1958*", so that the subsection shall read as follows:

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Titles Act, 1958* or *The Quieting Titles Act* within the period of forty years mentioned in subsection 1.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Investigation of Titles Amendment Act, 1958*.

An Act to amend
The Investigation of Titles Act

1st Reading

February 13th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Investigation of Titles Act

MR. ROBERTS

No. 86

1958

BILL

An Act to amend The Investigation of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 2 of *The Investigation of Titles Act*, as enacted by section 1 of *The Investigation of Titles Amendment Act, 1957*, is amended by striking out "*The Certification of Plans of Subdivision Act, 1957*" in the second and third lines and inserting in lieu thereof "*The Certification of Titles Act, 1958*", so that the subsection shall read as follows:

(1a) Subsection 1 does not apply to land with respect to which a certificate of title has been given under *The Certification of Titles Act, 1958* or *The Quieting Titles Act* within the period of forty years mentioned in subsection 1.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Investigation of Titles Amendment Act, 1958*.

BILL

An Act to amend
The Investigation of Titles Act

1st Reading

February 13th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 17th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Insurance Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The effect of the re-enactment of this subclause is to broaden the basic fire cover. The present provision excludes from cover all *property* damage from any process involving the application of heat.

All "property" is now cut down to "goods".

Subsection 2. This provision is re-enacted in order to clarify the limits of the coverage intended.

SECTION 2. This new provision supplements statutory condition 11 which provides for an appraisal after a difference arises between the insured and the insurer as to the value of the property insured.

No. 87

1958

BILL

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause a of subsection 1 of section 105 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 105
(1956, c. 32,
s. 9), subs. 1,
cl. a,
subcl. i,
re-enacted

(i) in the case of goods, their undergoing any process involving the application of heat.

(2) Subsection 2 of the said section 105 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 105
(1956, c. 32,
s. 9), subs. 2
re-enacted

(2) A contract to which this Part applies covers the insured property against loss or damage caused by fire or explosion within the meaning of subsection 1 resulting from nuclear reaction or nuclear radiation, but, unless the contract otherwise specifically provides, the insured property is not covered against loss or damage caused by heat or energy alone that was created by nuclear reaction or nuclear radiation.

Coverage
where
damage
from
nuclear
reaction

(2a) Unless a contract to which this Part applies otherwise specifically provides, it does not cover the insured property against loss or damage caused by contamination by radioactive material directly or indirectly resulting from fire, lightning or explosion within the meaning of subsection 1.

Radio-
active
contami-
nation

2. *The Insurance Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 183,
amended

108b. In case a party fails to name an appraiser under statutory condition 11 of section 108a within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an

Naming of
appraisers
under
statutory
condition 11

umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting or dies, a judge of the county or district court of the county or district in which the appraisal is to be made may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.

R.S.O. 1950,
c. 183, s. 126,
subs. 1,
amended

3. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the table and inserting in lieu thereof the following:

TABLE

When the total amount at risk is less than \$5,000,000	\$4,000
When the total amount at risk is \$5,000,000 or more but less than \$10,000,000	6,000
When the total amount at risk is \$10,000,000 or more	8,000

R.S.O. 1950,
c. 183, s. 257,
repealed

4. Section 257 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 290,
subs. 1,
amended

5.—(1) Subsection 1 of section 290 of *The Insurance Act* is amended by inserting after "Act" in the fourth line "to the regulations", so that the subsection shall read as follows:

Licensing
agent

- (1) The Superintendent may issue to any person who has complied with the requirements of this Act a licence authorizing such person to carry on business as an insurance agent subject to this Act, to the regulations and to the terms of the licence.

R.S.O. 1950,
c. 183, s. 290,
subs. 8, cl. a,
re-enacted

(2) Clause *a* of subsection 8 of the said section 290 is repealed and the following substituted therefor:

- (a) has violated any provision of this Act or the regulations in his operations as an insurance agent.

R.S.O. 1950,
c. 183, s. 290,
subs. 11,
repealed

(3) Subsection 11 of the said section 290 is repealed.

R.S.O. 1950,
c. 183, s. 290,
subs. 21,
re-enacted

(4) Subsection 21 of the said section 290 is repealed and the following substituted therefor:

Regulations

- (21) The Lieutenant-Governor in Council may make regulations,

- (a) prescribing requirements, qualifications and conditions for the granting or renewal of licences;
- (b) providing for the holding of examinations for applicants for licences or renewals of licences;
- (c) classifying applicants for licences and restricting or prohibiting the licensing of any class of applicant;

SECTION 3. This amendment applies only to fire insurance written by farm mutual fire insurance companies that write insurance on the premium note plan.

The amendment increases the amount that can be retained by a company on a single risk where it reinsures the balance. The increase is in line with the increase over the years in the value of farms.

SECTION 4. Section 257 requires fraternal societies that write life insurance on children to maintain a separate fund to provide for the payment of these contracts at maturity.

As a qualified actuary must now certify as to the solvency of all funds of fraternal societies, section 257 is obsolete. It is therefore repealed.

SECTION 5—Subsections 1, 2 and 4. The purpose is to provide authority for the Lieutenant-Governor in Council to make regulations for the supervision and control of insurance agents in addition to the statutory requirements.

Subsection 3. Subsection 11 states that the decision of the Superintendent of Insurance to revoke an insurance agent's licence is final and not subject to appeal if his decision is made after a hearing and is in accordance with the recommendation of his advisory board. This constitutes an exception to the general rule (set out in section 12 of the Act) that any person aggrieved by any decision of the Superintendent may appeal to the Court of Appeal.

The effect of the repeal of subsection 11 is to remove the exception and so give a right of appeal in all cases.

SECTION 6. Sections 1, 2 and 4 deal with provisions that are uniform throughout the common law provinces of Canada. It is expected that similar sections will be passed in the other provinces and that all will be proclaimed in force on the same day. The balance of the Bill deals with matters that are not uniform in the various provinces and are therefore made effective on Royal Assent.

- (d) prescribing the grounds upon which a licence may be revoked, suspended or not renewed;
- (e) regulating the method of handling premiums collected and requiring and regulating accounts and records to be maintained by agents;
- (f) requiring agents to supply information and make returns to the Superintendent;
- (g) requiring an agent to furnish a bond or other security and fixing the amount, form, requirements and terms thereof;
- (h) prescribing forms and providing for their use; and
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.

(21a) Regulations made under subsection 21 shall be in addition to the provisions of this section notwithstanding that the regulations concern a matter provided for in this section. Scope of regulations

6.—(1) This Act, except sections 1, 2 and 4, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Idem

7. This Act may be cited as *The Insurance Amendment Act*, 1958. Short title

Bill
An Act to amend
The Insurance Act

1st Reading

February 13th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Insurance Act

MR. ROBERTS

No. 87

1958

BILL

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *a* of subsection 1 of section 105 of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1956*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 105
(1956, c. 32,
s. 9), subs. 1,
cl. *a*,
subcl. i,
re-enacted

- (i) in the case of goods, their undergoing any process involving the application of heat.

(2) Subsection 2 of the said section 105 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 105
(1956, c. 32,
s. 9), subs. 2,
re-enacted

- (2) A contract to which this Part applies covers the insured property against loss or damage caused by fire or explosion within the meaning of subsection 1 resulting from nuclear reaction or nuclear radiation, but, unless the contract otherwise specifically provides, the insured property is not covered against loss or damage caused by heat or energy alone that was created by nuclear reaction or nuclear radiation.

Coverage
where
damage
from
nuclear
reaction

- (2a) Unless a contract to which this Part applies otherwise specifically provides, it does not cover the insured property against loss or damage caused by contamination by radioactive material directly or indirectly resulting from fire, lightning or explosion within the meaning of subsection 1.

Radio-
active
contami-
nation

2. *The Insurance Act* is amended by adding thereto the following section:

R.S.O. 1950,
c. 183,
amended

- 108b. In case a party fails to name an appraiser under statutory condition 11 of section 108a within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an

Naming of
appraisers
under
statutory
condition 11

umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting or dies, a judge of the county or district court of the county or district in which the appraisal is to be made may appoint an appraiser or umpire, as the case may be, upon the application of the insured or of the insurer.

R.S.O. 1950,
c. 183, s. 126,
subs. 1,
amended

3. Subsection 1 of section 126 of *The Insurance Act* is amended by striking out the table and inserting in lieu thereof the following:

TABLE

When the total amount at risk is less than \$5,000,000. . . .	\$4,000
When the total amount at risk is \$5,000,000 or more but less than \$10,000,000.	6,000
When the total amount at risk is \$10,000,000 or more. . . .	8,000

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5.—(1) Subsection 1 of section 290 of *The Insurance Act* is amended by inserting after "Act" in the fourth line "to the regulations", so that the subsection shall read as follows:

Licensing
agent

(1) The Superintendent may issue to any person who has complied with the requirements of this Act a licence authorizing such person to carry on business as an insurance agent subject to this Act, to the regulations and to the terms of the licence.

R.S.O. 1950,
c. 183, s. 290,
subs. 8, cl. a,
re-enacted

(2) Clause *a* of subsection 8 of the said section 290 is repealed and the following substituted therefor:

(a) has violated any provision of this Act or the regulations in his operations as an insurance agent.

R.S.O. 1950,
c. 183, s. 290,
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(3) Subsection 11 of the said section 290 is repealed.

R.S.O. 1950,
c. 183, s. 290,
subs. 21,
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(4) Subsection 21 of the said section 290 is repealed and the following substituted therefor:

Regulations

(21) The Lieutenant-Governor in Council may make regulations,

(a) prescribing requirements, qualifications and conditions for the granting or renewal of licences;

(b) providing for the holding of examinations for applicants for licences or renewals of licences;

(c) classifying applicants for licences and restricting or prohibiting the licensing of any class of applicant;

- (d) prescribing the grounds upon which a licence may be revoked, suspended or not renewed;
- (e) regulating the method of handling premiums collected and requiring and regulating accounts and records to be maintained by agents;
- (f) requiring agents to supply information and make returns to the Superintendent;
- (g) requiring an agent to furnish a bond or other security and fixing the amount, form, requirements and terms thereof;
- (h) prescribing forms and providing for their use; and
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.

(21a) Regulations made under subsection 21 shall be in addition to the provisions of this section notwithstanding that the regulations concern a matter provided for in this section. Scope of regulations

6.—(1) This Act, except sections 1, 2 and 4, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Idem

7. This Act may be cited as *The Insurance Amendment Act*, 1958. Short title

BILL

An Act to amend
The Insurance Act

1st Reading

February 13th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 21st, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act respecting
United Community Fund of Greater Toronto

MR. COWLING

(PRIVATE BILL)

No. 88

1958

BILL

An Act respecting United Community Fund of Greater Toronto

WHEREAS United Community Fund of Greater Toronto, Preamble
a corporation incorporated under *The Corporations Act*, 1953, c. 19
1953, by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding subsection 2 of section 79 of *The* Notice of meetings
Corporations Act, 1953, United Community Fund of Greater
Toronto may give notice of meetings of its members by
publishing such notice at least once in a daily newspaper
published in the City of Toronto in such manner as the by-
laws of United Community Fund of Greater Toronto may now
or hereafter provide.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The United Community Fund* Short title
of Greater Toronto Act, 1958.

BILL

An Act respecting
United Community Fund
of Greater Toronto

1st Reading

2nd Reading

3rd Reading

MR. COWLING

(*Private Bill*)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act respecting
United Community Fund of Greater Toronto**

MR. COWLING

No. 88

1958

BILL

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or hereafter provide.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The United Community Fund* Short title
of Greater Toronto Act, 1958.

BILL

An Act respecting
United Community Fund
of Greater Toronto

1st Reading

February 21st, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 14th, 1958

MR. COWLING

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Child Welfare Act, 1954

MR. CECILE

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. These amendments bring the terminology into line with present departmental arrangements.

Subsections 3 and 4. These amendments are designed to clarify the limits of a municipality's liability to pay for the maintenance of a child in the care and custody of a children's aid society.

No. 90

1958

BILL

An Act to amend The Child Welfare Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 16 of *The Child Welfare Act*, 1954, c. 8, s. 16, subs. 3, 1954, as re-enacted by subsection 1 of section 4 of *The Child Welfare Amendment Act*, 1956, is amended by striking out (1956, c. 8, s. 4, subs. 1), “district welfare supervisor or district welfare administrator” in the seventh and eighth lines and inserting in lieu thereof “regional welfare administrator”.

(2) Subsection 4a of the said section 16, as enacted by 1954, c. 8, subsection 2 of section 4 of *The Child Welfare Amendment Act*, 1956, is amended by striking out “district welfare supervisor or district welfare administrator” in the fourth and fifth lines and inserting in lieu thereof “regional welfare administrator”.

(3) Clause *d* of subsection 8 of the said section 16 is repealed and the following substituted therefor:

(*d*) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child so long as the child remains in the care and custody of the society,

(i) where the child is a child mentioned in section 15, from the day he was detained in a place of safety, or

(ii) where the child is a child mentioned in section 15a, from the day he was taken into the care and custody of the children's aid society,

but in no case shall that day be more than ten days before the child was brought before the judge as an apparently neglected child.

1954, c. 8,
s. 16, subs. 9,
re-enacted

(4) Subsection 9 of the said section 16 is repealed and the following substituted therefor:

Order where
child not
neglected

- (9) Where the judge finds a child mentioned in section 15 not to be a neglected child, he shall make an order that the municipality to which the child belongs pay the rate in respect of the child for the period of the child's detention in a place of safety, but in no case shall the order be made for a period of more than ten days.

1954, c. 8,
s. 16,
subs. 13,
re-enacted

(5) Subsection 13 of the said section 16, as amended by subsection 5 of section 4 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor:

Re-opening
of
temporary
commitment

- (13) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is or a further order under subsection 7 or an order or further order under subsection 8, but in no case shall an order be made at any time that results in the temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

1954, c. 8,
s. 16,
subs. 17,
amended

(6) Subsection 17 of the said section 16, as amended by subsection 7 of section 4 of *The Child Welfare Amendment Act, 1956*, is further amended by striking out "child" in the amendment of 1956 and inserting in lieu thereof "ward", so that the subsection shall read as follows:

Extension
of
wardship

- (17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years, and, notwithstanding clause *d* of subsection 8, in any such order the judge shall

Subsection 5. Under the present Act a child may be temporarily committed to the care and custody of a children's aid society on an adjournment of his case or after the judge has found the child to be a neglected child and subsection 13 provides for extending the period of temporary commitment in certain circumstances.

The new feature of the subsection as re-enacted is that in no case may the total period of temporary commitment exceed twenty-four months.

Subsection 6. This amendment makes the terminology uniform throughout the subsection.

SECTION 2. This amendment provides another method of collecting money due under an affiliation order made against the father of a child born out of wedlock.

SECTION 3. The entire part of the Act (Part IV) that deals with adoptions is revised in order to bring about a number of major changes in principle that are designed to strengthen and clarify the adoption process and the status of the adopted child.

The main changes in principle are the following:

1. In order to prevent unduly protracted adoption proceedings it is provided that a new application must be made if the first application has not been heard by the court for 12 months after it was signed. See section 61 (3) of the new Part IV.
2. Where the child sought to be adopted was born out of wedlock, provision is made that only the mother need give consent, but for the consent to be effective the child must be 15 days or more old and the consent may be cancelled within 15 days. See section 64 (2) of the new Part IV.
3. All consents must be in writing and can be withdrawn only if the court is satisfied that it is in the best interests of the child. See section 64 (6) of the new Part IV.
4. It is provided that an adoption order may be made after the child has resided with the applicant for a period of 6 months instead of the present requirement of 12 months.
5. It is provided that the adopted child becomes the child of the adopting parent for all purposes and the adopting parent becomes the child's parent for all purposes as if the child had been born in lawful wedlock to the adopting parent. See section 74 (1) of the new Part IV.

Further, the adopted child ceases to be the child of his natural parents and they cease to be the parents of the adopted child. See section 74 (2) of the new Part IV.

Relationships of all persons one to another will be determined in accordance with the status of the adopted child, except where the laws of incest and the prohibited degrees of consanguinity are concerned. See section 74 (3) (4) of the new Part IV.

6. All persons heretofore adopted under the law of Ontario and all persons adopted under the laws of any other jurisdiction will for all purposes in Ontario be governed by the new Ontario law. See section 75 of the new Part IV.
7. Children's aid societies are exempted from the duty of registering placements. See section 77 (1) of the new Part IV.

relieve any municipality paying the rate in respect of the ward from liability for the rate during the extended period of wardship.

2. Clause *c* of section 56 of *The Child Welfare Act, 1954*, ^{1954, c. 8, s. 56 (1956, c. 8, s. 8), cl. c,} as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by inserting after "execution" in the amended third line "garnishee proceedings", so that the clause shall read as follows:

- (c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishee proceedings, or judgment summons, *inter alia*, may be used to enforce the order.

3. Part IV of *The Child Welfare Act, 1954*, as amended by ^{1954, c. 8, Part IV (ss. 65-78), re-enacted; (ss. 79, 84), repealed} section 12 of *The Child Welfare Amendment Act, 1956* and section 20 of *The Child Welfare Amendment Act, 1957*, is repealed and the following substituted therefor:

PART IV

ADOPTION

60. In this Part, "child" means a person under or over ^{Interpretation} twenty-one years of age.

61.—(1) The Supreme Court or the county or district court ^{Jurisdiction of courts} of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

(2) An application for an adoption order shall be heard ^{Application to be heard in chambers} and determined in chambers.

(3) Where an application for an adoption order is not ^{Stale applications} heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

(4) For the purpose of an application for an order for the ^{Guardian ad litem} adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed.

Where order
may be
made

62. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario.

Where order
may not
be made

63.—(1) The court shall not make an adoption order,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the child sought to be adopted;
- (b) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

Adoption
by more
than one
person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of
adopting
spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

Child over
21 or under
21 and
married

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Consents,
where child
born in
wedlock

64.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child.

Idem,
where child
born out
of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother given after the child was fifteen days old, and, where the child resides with and is maintained by the father,

with the written consent of the father, but the mother or father may cancel such consent within fifteen days after it was given by a document in writing to that effect.

(3) An order for the adoption of a child who is committed permanently to the care and custody of a children's aid society shall be made only with the written consent of the society, in which case no other consent is required. Idem, permanent ward of children's aid society

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. Idem, child over 21 or under 21 and married

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with. Where consent not given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. Where consent given

65. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 64. Affidavit of execution

66.—(1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate

(a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justifies the making of the order; or

(b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with.

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause a of that subsection is sufficient if it is signed by the local director. Local director's certificate

Duty of
court

67. The court before making an adoption order shall be satisfied,

(a) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and

(b) that the order will be in the best interests of the child.

Surname

68.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given
name

(2) In and by an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent may desire, and thereafter the adopted child is entitled to and to be known by the name or names so given.

Born out
of wedlock
not to
appear

69. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order.

Papers to
be sealed up

70. The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection save upon an order of the court or the written direction of the Director.

Trans-
mission
of order

71. Within ten days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

(a) the original order to the adopting parent;

(b) one certified copy to the Director; and

(c) one certified copy to the Registrar-General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar-General.

Interim
order

72.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

(2) An interim custody order is not an adoption order. *Idem*

(3) All consents required for an adoption order are necessary *Consents* for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, *Residence outside Ontario* the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 66.

73. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. *Effect of order on previous adoption*

74.—(1) For all purposes the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. *Status of adopted child*

(2) For all purposes the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. *Idem*

(3) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1 and 2. *Idem*

(4) Subsections 2 and 3 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity which, but for this section, would have existed. *Exception*

75. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. *Status of persons heretofore adopted*

76.—(1) Where duty is levied under *The Succession Duty Act* on the death of an adopted child, *Succession duty R.S.O. 1950, c. 378*

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

- (b) on the adopting parent or the kindred of the adopting parent,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem
R.S.O. 1950,
c. 378

- (2) Where duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

- (a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

- (b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Registration
of
placement

77.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that such other person will adopt the child shall, within thirty days after the day on which the child is so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he may require and shall forthwith transmit such information to the Director together with its opinion as to the suitability of the placement.

Offence
and
penalty

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a fine of not more than \$100.

Penalty
for pay-
ments in
connection
with
adoptions

78. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three years, or both.

4. Part IV of *The Child Welfare Act, 1954*, as re-enacted by section 3 of this Act, applies to adoption proceedings begun on or after the day that section comes into force and any adoption proceedings that were begun but not ended before that day shall be taken up and continued under and in conformity with the provisions so re-enacted, so far as consistently may be.

Application
of new
Part IV

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

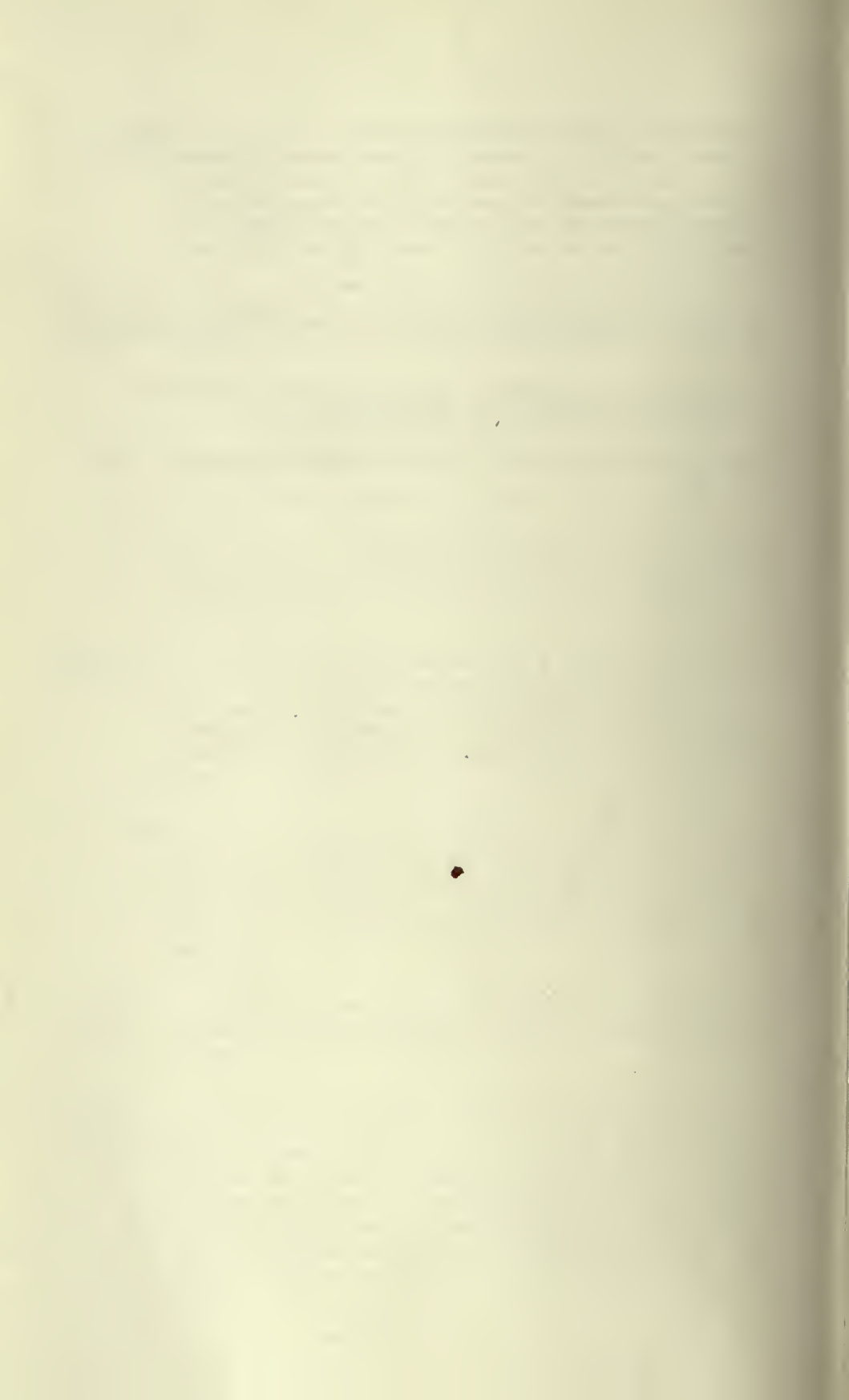
Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

6. This Act may be cited as *The Child Welfare Amendment Act, 1958*.

Short title



BILL

An Act to amend
The Child Welfare Act, 1954

1st Reading

February 18th, 1958

2nd Reading

3rd Reading

Mr. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Child Welfare Act, 1954

MR. CECILE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2. These amendments bring the terminology into line with present departmental arrangements.

Subsections 3 and 4. These amendments are designed to clarify the limits of a municipality's liability to pay for the maintenance of a child in the care and custody of a children's aid society.

No. 90

1958

BILL

An Act to amend The Child Welfare Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 16 of *The Child Welfare Act*, 1954, c. 8, s. 16, subs. 3, 1954, as re-enacted by subsection 1 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out amended (1956, c. 8, s. 4, subs. 1), “district welfare supervisor or district welfare administrator” in the seventh and eighth lines and inserting in lieu thereof “regional welfare administrator”.

(2) Subsection 4a of the said section 16, as enacted by 1954, c. 8, s. 16, subs. 4a, subsection 2 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out “district welfare supervisor or district welfare administrator” in the fourth and fifth lines and inserting in lieu thereof “regional welfare administrator”.

(3) Clause *d* of subsection 8 of the said section 16 is repealed 1954, c. 8, s. 16, subs. 8, and the following substituted therefor: cl. *d*, re-enacted

(*d*) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child so long as the child remains in the care and custody of the society,

(i) where the child is a child mentioned in section 15, from the day he was detained in a place of safety, or

(ii) where the child is a child mentioned in section 15a, from the day he was taken into the care and custody of the children's aid society,

but in no case shall that day be more than ten days before the child was brought before the judge as an apparently neglected child.

1954, c. 8,
s. 16, subs. 9,
re-enacted (4) Subsection 9 of the said section 16 is repealed and the following substituted therefor:

Order where
child not
neglected

- (9) Where the judge finds a child mentioned in section 15 not to be a neglected child, he shall make an order that the municipality to which the child belongs pay the rate in respect of the child for the period of the child's detention in a place of safety, but in no case shall the order be made for a period of more than ten days.

1954, c. 8,
s. 16,
subs. 13,
re-enacted

(5) Subsection 13 of the said section 16, as amended by subsection 5 of section 4 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor:

Re-opening
of
temporary
commitment

- (13) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is or a further order under subsection 7 or an order or further order under subsection 8, but in no case shall an order be made at any time that results in the temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

1954, c. 8,
s. 16,
subs. 17,
amended

(6) Subsection 17 of the said section 16, as amended by subsection 7 of section 4 of *The Child Welfare Amendment Act, 1956*, is further amended by striking out "child" in the amendment of 1956 and inserting in lieu thereof "ward", so that the subsection shall read as follows:

Extension
of
wardship

- (17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years, and, notwithstanding clause *d* of subsection 8, in any such order the judge shall

Subsection 5. Under the present Act a child may be temporarily committed to the care and custody of a children's aid society on an adjournment of his case or after the judge has found the child to be a neglected child and subsection 13 provides for extending the period of temporary commitment in certain circumstances.

The new feature of the subsection as re-enacted is that in no case may the total period of temporary commitment exceed twenty-four months.

Subsection 6. This amendment makes the terminology uniform throughout the subsection.

SECTION 2. This amendment provides another method of collecting money due under an affiliation order made against the father of a child born out of wedlock.

SECTION 3. The entire part of the Act (Part IV) that deals with adoptions is revised in order to bring about a number of major changes in principle that are designed to strengthen and clarify the adoption process and the status of the adopted child.

The main changes in principle are the following:

1. In order to prevent unduly protracted adoption proceedings it is provided that a new application must be made if the first application has not been heard by the court for 12 months after it was signed. See section 61 (3) of the new Part IV.
2. Where the child sought to be adopted was born out of wedlock, provision is made that only the mother need give consent, but for the consent to be effective the child must be 15 days or more old and the consent may be cancelled within 15 days. See section 64 (2) of the new Part IV.
3. All consents must be in writing and can be withdrawn only if the court is satisfied that it is in the best interests of the child. See section 64 (6) of the new Part IV.
4. It is provided that an adoption order may be made after the child has resided with the applicant for a period of 6 months instead of the present requirement of 12 months.
5. It is provided that the adopted child becomes the child of the adopting parent for all purposes and the adopting parent becomes the child's parent for all purposes as if the child had been born in lawful wedlock to the adopting parent. See section 74 (1) of the new Part IV.

Further, the adopted child ceases to be the child of his natural parents and they cease to be the parents of the adopted child. See section 74 (2) of the new Part IV.

Relationships of all persons one to another will be determined in accordance with the status of the adopted child, except where the laws of incest and the prohibited degrees of consanguinity are concerned. See section 74 (3) (4) of the new Part IV.

6. All persons heretofore adopted under the law of Ontario and all persons adopted under the laws of any other jurisdiction will for all purposes in Ontario be governed by the new Ontario law. See section 75 of the new Part IV.
7. Children's aid societies are exempted from the duty of registering placements. See section 77 (1) of the new Part IV.

relieve any municipality paying the rate in respect of the ward from liability for the rate during the extended period of wardship.

2. Clause *c* of section 56 of *The Child Welfare Act, 1954*, ^{1954, c. 8, s. 56 (1956, c. 8, s. 8), cl. c,} as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by inserting after "execution" in the ^{amended} third line "garnishee proceedings", so that the clause shall read as follows:

- (c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishee proceedings, or judgment summons, *inter alia*, may be used to enforce the order.

3. Part IV of *The Child Welfare Act, 1954*, as amended by ^{1954, c. 8, Part IV (ss. 65-78), re-enacted; (ss. 79, 84), repealed} section 12 of *The Child Welfare Amendment Act, 1956* and section 20 of *The Child Welfare Amendment Act, 1957*, is repealed and the following substituted therefor:

PART IV

ADOPTION

60. In this Part, "child" means a person under or over ^{Interpre-} twenty-one years of age. ^{tation}

61.—(1) The Supreme Court or the county or district court ^{Jurisdiction of courts} of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

(2) An application for an adoption order shall be heard ^{Application to be heard in chambers} and determined in chambers.

(3) Where an application for an adoption order is not ^{Stale applications} heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, the court ^{Guardian ad litem} may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed.

Where order
may be
made

62. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario.

Where order
may not
be made

63.—(1) The court shall not make an adoption order,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the child sought to be adopted;
- (b) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

Adoption
by more
than one
person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of
adopting
spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

Child over
21 or under
21 and
married

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Consents,
where child
born in
wedlock

64.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child.

Idem,
where child
born out
of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother given after the child was seven days old, and, where the child resides with and is maintained by the father,

with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect.

(3) An order for the adoption of a child who is committed permanently to the care and custody of a children's aid society shall be made only with the written consent of the aid society, in which case no other consent is required. Idem, permanent ward of children's aid society

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. Idem, child over 21 or under 21 and married

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with. Where consent not given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. Where consent given

65. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 64. Affidavit of execution

66.—(1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate

- (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justifies the making of the order; or
- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with.

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. Local director's certificate

Duty of
court

67. The court before making an adoption order shall be satisfied,

- (a) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and
- (b) that the order will be in the best interests of the child.

Surname

68.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given
name

(2) In and by an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent may desire, and thereafter the adopted child is entitled to and to be known by the name or names so given.

Born out
of wedlock
not to
appear

69. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order.

Papers to
be sealed up

70. The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection save upon an order of the court or the written direction of the Director.

Trans-
mission
of order

71. Within ten days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

- (a) the original order to the adopting parent;
- (b) one certified copy to the Director; and
- (c) one certified copy to the Registrar-General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar-General.

Interim
order

72.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

(2) An interim custody order is not an adoption order. *Idem*

(3) All consents required for an adoption order are necessary *Consents* for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

(4) Where an applicant has obtained an interim custody *Residence* order and subsequently takes up residence outside Ontario, *outside Ontario* the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 66.

73. An adoption order or an interim custody order may be *Effect of* made in respect of a child who has previously been the subject *order on* of an adoption order and the adopting parent under the *previous* adoption order last previously made shall, if living, be deemed *adoption* to be the parent of the child for the purposes of this Part.

74.—(1) For all purposes the adopted child, upon the *Status of* adoption order being made, becomes the child of the adopting *adopted* parent and the adopting parent becomes the parent of the *child* adopted child as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) For all purposes the adopted child, upon the adoption *Idem* order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child.

(3) The relationship to one another of all persons, whether *Idem* the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1 and 2.

(4) Subsections 2 and 3 do not apply for the purposes of *Exception* the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity which, but for this section, would have existed.

75. Every person heretofore adopted under the laws of *Status of* Ontario and every person adopted under the laws of any other *persons* province or territory of Canada or under the laws of any other *heretofore* country shall for all purposes in Ontario be governed by this *adopted* Part.

76.—(1) Where duty is levied under *The Succession Duty* *Succession* *duty* Act on the death of an adopted child, *R.S.O. 1950,* *c. 378*

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

- (b) on the adopting parent or the kindred of the adopting parent,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem

R.S.O. 1950,
c. 378

- (2) Where duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

- (a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

- (b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Registration
of
placement

77.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that such other person will adopt the child shall, within thirty days after the day on which the child is so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he may require and shall forthwith transmit such information to the Director together with its opinion as to the suitability of the placement.

Offence
and
penalty

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a fine of not more than \$100.

Penalty
for pay-
ments in
connection
with
adoptions

78. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three years, or both.

4. Part IV of *The Child Welfare Act, 1954*, as re-enacted by section 3 of this Act, applies to adoption proceedings begun on or after the day that section comes into force and any adoption proceedings that were begun but not ended before that day shall be taken up and continued under and in conformity with the provisions so re-enacted, so far as consistently may be.

Application
of new
Part IV

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

6. This Act may be cited as *The Child Welfare Amendment Act, 1958*.

Short title

BILL
An Act to amend
The Child Welfare Act, 1954

1st Reading

February 18th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

MR. CECILE

(Reprinted as amended by the
Committee of the Whole House)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Child Welfare Act, 1954

MR. CECILE

No. 90

1958

BILL

An Act to amend The Child Welfare Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 16 of *The Child Welfare Act*, 1954, c. 8, s. 16, subs. 3, 1954, as re-enacted by subsection 1 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out amended (1956, c. 8, s. 4, subs. 1), “district welfare supervisor or district welfare administrator” in the seventh and eighth lines and inserting in lieu thereof “regional welfare administrator”.

(2) Subsection 4a of the said section 16, as enacted by 1954, c. 8, subsection 2 of section 4 of *The Child Welfare Amendment Act, 1956*, is amended by striking out subs. 4a (1956, c. 8, s. 4, subs. 2), “district welfare supervisor or district welfare administrator” in the fourth and fifth lines and inserting in lieu thereof “regional welfare administrator”.

(3) Clause *d* of subsection 8 of the said section 16 is repealed 1954, c. 8, s. 16, subs. 8, and the following substituted therefor: cl. *d*, re-enacted

(*d*) that in cases under clause *b* or *c* the municipality to which the child belongs pay the rate in respect of the child so long as the child remains in the care and custody of the society,

(i) where the child is a child mentioned in section 15, from the day he was detained in a place of safety, or

(ii) where the child is a child mentioned in section 15a, from the day he was taken into the care and custody of the children's aid society,

but in no case shall that day be more than ten days before the child was brought before the judge as an apparently neglected child.

1954, c. 8,
s. 16, subs. 9,
re-enacted

(4) Subsection 9 of the said section 16 is repealed and the following substituted therefor:

Order where
child not
neglected

- (9) Where the judge finds a child mentioned in section 15 not to be a neglected child, he shall make an order that the municipality to which the child belongs pay the rate in respect of the child for the period of the child's detention in a place of safety, but in no case shall the order be made for a period of more than ten days.

1954, c. 8,
s. 16,
subs. 13,
re-enacted

(5) Subsection 13 of the said section 16, as amended by subsection 5 of section 4 of *The Child Welfare Amendment Act, 1956*, is repealed and the following substituted therefor:

Re-opening
of
temporary
commitment

- (13) Where the child has been committed temporarily to the care and custody of the children's aid society on an adjournment or after the judge has found the child to be a neglected child, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is or a further order under subsection 7 or an order or further order under subsection 8, but in no case shall an order be made at any time that results in the temporary commitment of the child for a period of more than twenty-four months from the date of the first order for the temporary commitment of the child.

1954, c. 8,
s. 16,
subs. 17,
amended

(6) Subsection 17 of the said section 16, as amended by subsection 7 of section 4 of *The Child Welfare Amendment Act, 1956*, is further amended by striking out "child" in the amendment of 1956 and inserting in lieu thereof "ward", so that the subsection shall read as follows:

Extension
of
wardship

- (17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years, and, notwithstanding clause *d* of subsection 8, in any such order the judge shall

relieve any municipality paying the rate in respect of the ward from liability for the rate during the extended period of wardship.

2. Clause *c* of section 56 of *The Child Welfare Act, 1954*, ^{1954, c. 8, s. 56 (1956, c. 8, s. 8), cl. 2,} as re-enacted by section 8 of *The Child Welfare Amendment Act, 1956*, is amended by inserting after "execution" in the amended third line "garnishee proceedings", so that the clause shall read as follows:

- (c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishee proceedings, or judgment summons, *inter alia*, may be used to enforce the order.

3. Part IV of *The Child Welfare Act, 1954*, as amended by ^{1954, c. 8, Part IV (ss. 65-78), re-enacted; (ss. 79, 84), repealed} section 12 of *The Child Welfare Amendment Act, 1956* and section 20 of *The Child Welfare Amendment Act, 1957*, is repealed and the following substituted therefor:

PART IV

ADOPTION

60. In this Part, "child" means a person under or over ^{Interpre-} twenty-one years of age. ^{tation}

61.—(1) The Supreme Court or the county or district court ^{Jurisdiction of courts} of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

(2) An application for an adoption order shall be heard ^{Application to be heard in chambers} and determined in chambers.

(3) Where an application for an adoption order is not ^{Stale applications} heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

(4) For the purpose of an application for an order for the ^{Guardian ad litem} adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed.

Where order
may be
made

62. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by any person domiciled in Canada and resident in Ontario.

Where order
may not
be made

63.—(1) The court shall not make an adoption order,

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the child sought to be adopted;
- (b) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

Adoption
by more
than one
person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of
adopting
spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

Child over
21 or under
21 and
married

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption.

Consents,
where child
born in
wedlock

64.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child.

Idem,
where child
born out
of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother given after the child was seven days old, and, where the child resides with and is maintained by the father,

with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect.

(3) An order for the adoption of a child who is committed permanently to the care and custody of a children's aid society shall be made only with the written consent of the society, in which case no other consent is required. Idem, permanent ward of children's aid society

(4) An order for the adoption of a child who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. Idem, child over 21 or under 21 and married

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with. Where consent not given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. Where consent given

65. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 64. Affidavit of execution

66.—(1) Subject to subsection 2, an adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing, Director's certificate

- (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in his opinion justifies the making of the order; or
- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with.

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause a of that subsection is sufficient if it is signed by the local director. Local director's certificate

- Duty of court** 67. The court before making an adoption order shall be satisfied,
- (a) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and
 - (b) that the order will be in the best interests of the child.
- Surname** 68.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.
- Given name** (2) In and by an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent may desire, and thereafter the adopted child is entitled to and to be known by the name or names so given.
- Born out of wedlock not to appear** 69. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order.
- Papers to be sealed up** 70. The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection save upon an order of the court or the written direction of the Director.
- Trans-mission of order** 71. Within ten days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,
- (a) the original order to the adopting parent;
 - (b) one certified copy to the Director; and
 - (c) one certified copy to the Registrar-General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar-General.
- Interim order** 72.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

(2) An interim custody order is not an adoption order. *Idem*

(3) All consents required for an adoption order are necessary *Consents* for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

(4) Where an applicant has obtained an interim custody *Residence* order and subsequently takes up residence outside Ontario, *outside Ontario* the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 66.

73. An adoption order or an interim custody order may be *Effect of order on previous adoption* made in respect of a child who has previously been the subject of an adoption order and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part.

74.—(1) For all purposes the adopted child, upon the *Status of adopted child* adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) For all purposes the adopted child, upon the adoption *Idem* order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child.

(3) The relationship to one another of all persons, whether *Idem* the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1 and 2.

(4) Subsections 2 and 3 do not apply for the purposes of *Exception* the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity which, but for this section, would have existed.

75. Every person heretofore adopted under the laws of *Status of persons heretofore adopted* Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part.

76.—(1) Where duty is levied under *The Succession Duty Act* on the death of an adopted child, *Succession duty R.S.O. 1950, c. 378*

(a) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

- (b) on the adopting parent or the kindred of the adopting parent,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem
R.S.O. 1950,
c. 378

- (2) Where duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

- (a) on property passing on the death of such parent to or for the benefit of the adopted child or any issue of the adopted child; or

- (b) on the adopted child or issue,

such duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Registration
of
placement

77.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that such other person will adopt the child shall, within thirty days after the day on which the child is so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he may require and shall forthwith transmit such information to the Director together with its opinion as to the suitability of the placement.

Offence
and
penalty

(3) Every person who fails to comply with subsection 1 is guilty of an offence and upon summary conviction is liable to a fine of not more than \$100.

Penalty
for pay-
ments in
connection
with
adoptions

78. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three years, or both.

4. Part IV of *The Child Welfare Act, 1954*, as re-enacted by section 3 of this Act, applies to adoption proceedings begun on or after the day that section comes into force and any adoption proceedings that were begun but not ended before that day shall be taken up and continued under and in conformity with the provisions so re-enacted, so far as consistently may be.

Application
of new
Part IV

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

6. This Act may be cited as *The Child Welfare Amendment Act, 1958*.

Short title

An Act to amend
The Child Welfare Act, 1954

1st Reading

February 18th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 18th, 1958

MR. CECILE

No. 91

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Farm Products Marketing Act

MR. WHICHER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill will permit The Farm Products Marketing Board to recommend the establishment, amendment or approval of a scheme where 60 per cent of those voting vote in favour. At present the percentage is left to be fixed by regulation, and where the vote is to establish a scheme a prescribed percentage of all those eligible to vote, whether actually voting or not, is required. There is no change in the provision for a vote to revoke a scheme, initiated by producers.

BILL

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 4 of *The Farm Products Marketing Act*, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, is repealed and the following substituted therefor: R.S.O. 1950, c. 131, s. 4, subs. 1a (1954, c. 29, s. 3, subs. 2), re-enacted

(1a) Where a question is submitted to a vote under subsection 1, 1d or 1e, the Board may recommend that the scheme be established, amended or approved, as the case may be, if 60 per cent of the persons casting ballots vote in favour. Submission of question of approval of scheme to vote

2. Clause 23 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is amended by striking out "percentages of votes required under section 4" in the third and fourth lines and inserting in lieu thereof "percentage of votes required under subsection 1c of section 4", so that the clause shall read as follows: R.S.O. 1950, c. 131, s. 6, subs. 1a, cl. 23, amended

23. prescribing the manner of taking votes of persons engaged in the production of a farm product and the percentage of votes required under subsection 1c of section 4.

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1958*. Short title

BILL

An Act to amend
The Farm Products Marketing Act

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. WHICHER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Workmen's Compensation Act

MR. DALEY

EXPLANATORY NOTES

SECTION 1. At the present time all public hospitals, with the exception of four, come within the collective liability provisions of the Act. Each of the four exceptions is operated by a hospital board on behalf of a municipality and therefore there is individual liability.

The purpose of the amendment is to remove the exceptions and so bring all public hospitals under the collective provisions of the Act.

SECTION 2. This new section is designed to ensure that assessments under the Act will be paid where timber is cut under a Crown licence by a person other than a licensee.

No. 92

1958

BILL

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 1 of *The Workmen's Compensation Act* is amended by adding at the end thereof "except a hospital board", so that the clause shall read as follows: R.S.O. 1950,
c. 430, s. 1,
subs. 2, cl. *b*,
amended

(*b*) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation except a hospital board.

2. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 430,
amended

10a.—(1) Where a licence is granted under *The Crown Timber Act, 1952* and timber is cut by a person other than the licensee, it is the duty of the licensee to see that any sum which the person engaged in the cutting of such timber is liable to contribute to the accident fund is paid and, if the licensee fails to do so, he is personally liable to pay such sum to the Board, and the Board has the like powers and is entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment. Liability
of licensee
to pay
assessments
1952, c. 15

(2) Where the licensee is liable to make payments to the Board under subsection 1, he is entitled to be indemnified by any person who should have made such payment and is entitled to withhold out of any indebtedness due to such person a sufficient amount to answer the same, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board. Right of
indemnity

R.S.O. 1950, c. 430, s. 36, subs. 1, cl. a, amended **3.**—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950, c. 430, s. 36, subs. 3, amended (2) Subsection 3 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950, c. 430, s. 36, subs. 5, amended (3) Subsection 5 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950, c. 430, s. 50, subs. 3, re-enacted **4.** Subsection 3 of section 50 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Damage to artificial member or apparatus

(3) The Board may pay and, where the employer is individually liable, the Board may order the employer to pay for the replacement or repair of an artificial member or apparatus of a workman that is damaged as a result of an accident arising out of and in the course of his employment, and, where the workman is unable to work because of such damage, he is entitled to compensation as though the inability to work had been caused by a personal injury within the meaning of subsection 1 of section 3.

R.S.O. 1950, c. 430, s. 84, subs. 4 (1954, c. 107, s. 3, subs. 1), amended **5.** Subsection 4 of section 84 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1954*, is amended by inserting after "workmen" in the fifth line "or where the employer has not complied with the regulations respecting first aid", so that the subsection shall read as follows:

Power to increase amount of assessment in certain cases

(4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen or where the employer has not complied with the regulations respecting first aid, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

SECTION 3—Subsection 1. The amendment increases the allowance for burial expenses of a deceased workman from \$200 to \$300.

Subsections 2 and 3. These amendments increase from \$200 to \$300 the lump sum that is payable immediately upon the death of a workman to his widow.

SECTION 4. Self-explanatory. The only new principle in the provision is the right of compensation in the circumstances described.

SECTION 5. Self-explanatory.

6. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

7. This Act may be cited as *The Workmen's Compensation* ^{Short title}
Amendment Act, 1958.

BILL

An Act to amend
The Workmen's Compensation Act

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. DALEY

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Workmen's Compensation Act

MR. DALEY

No. 92

1958

BILL

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 1 of *The Workmen's Compensation Act* is amended by adding at the end thereof "except a hospital board", so that the clause shall read as follows: R.S.O. 1950,
c. 430, s. 1,
subs. 2, cl. *b*,
amended

- (*b*) a public utilities commission or any other commission or any board having the management and conduct of any work or service owned by or operated for a municipal corporation except a hospital board.

2. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 430,
amended

10a.—(1) Where a licence is granted under *The Crown Timber Act, 1952* and timber is cut by a person other than the licensee, it is the duty of the licensee to see that any sum which the person engaged in the cutting of such timber is liable to contribute to the accident fund is paid and, if the licensee fails to do so, he is personally liable to pay such sum to the Board, and the Board has the like powers and is entitled to the like remedies for enforcing payment as it possesses or is entitled to in respect of an assessment. Liability
of licensee
to pay
assessments
1952, c. 15

- (2) Where the licensee is liable to make payments to the Board under subsection 1, he is entitled to be indemnified by any person who should have made such payment and is entitled to withhold out of any indebtedness due to such person a sufficient amount to answer the same, and all questions as to the right to and the amount of any such indemnity shall be determined by the Board. Right of
indemnity

R.S.O. 1950,
c. 430, s. 36,
subs. 1, cl. a,
amended

3.—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,
c. 430, s. 36,
subs. 3,
amended

(2) Subsection 3 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,
c. 430, s. 36,
subs. 5,
amended

(3) Subsection 5 of the said section 36, as amended by subsection 3 of section 5 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$200" in the amendment of 1951 and inserting in lieu thereof "\$300".

R.S.O. 1950,
c. 430, s. 50,
subs. 8,
re-enacted

4. Subsection 3 of section 50 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Damage to
artificial
member or
apparatus

(3) The Board may pay and, where the employer is individually liable, the Board may order the employer to pay for the replacement or repair of an artificial member or apparatus of a workman that is damaged as a result of an accident arising out of and in the course of his employment, and, where the workman is unable to work because of such damage, he is entitled to compensation as though the inability to work had been caused by a personal injury within the meaning of subsection 1 of section 3.

R.S.O. 1950,
c. 430, s. 84,
subs. 4
(1954, c. 107,
s. 3, subs. 1),
amended

5. Subsection 4 of section 84 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1954*, is amended by inserting after "workmen" in the fifth line "or where the employer has not complied with the regulations respecting first aid", so that the subsection shall read as follows:

Power to
increase
amount of
assessment
in certain
cases

(4) Where in the opinion of the Board sufficient precautions have not been taken for the prevention of accidents to workmen in the employment of an employer or where the working conditions are not safe for workmen or where the employer has not complied with the regulations respecting first aid, the Board may add to the amount of any contribution to the accident fund for which the employer is liable such a percentage thereof as the Board may deem just and may assess and levy the same upon the employer.

6. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

7. This Act may be cited as *The Workmen's Compensation* ^{Short title}
Amendment Act, 1958.

BILL

An Act to amend
The Workmen's Compensation Act

1st Reading

February 19th, 1958

2nd Reading

March 4th, 1958

3rd Reading

March 17th, 1958

MR. DALEY

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Labour Relations Act

MR. DALEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment will enable the Minister, upon a request to him for the appointment of an arbitrator, to refer a question as to whether a collective agreement is in existence, etc., to the Board for determination.

SECTIONS 2, 3, 4. These amendments are designed to provide greater stability in industry by giving greater protection to long-term collective agreements.

No. 93

1958

BILL

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Labour Relations Act*, as amended by R.S.O. 1950, section 8 of *The Labour Relations Amendment Act, 1954*, is amended c. 194, s. 32, further amended by adding thereto the following subsection:

- (3b) Where a request is made under subsection 3a and the question arises as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it is made, the Minister may refer the question to the Board and thereupon the question shall be deemed to be a question arising in a proceeding under subsection 1 of section 68. Reference of questions

2. Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 40, subss. 1-3, re-enacted

- (1) Where a collective agreement is for a term of not more than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation. When application for new certification may be made
- (2) Where a collective agreement is for a term of more than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be. Idem

Idem

- (3) Where a collective agreement referred to in subsection 1 or 2 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,
c. 194, s. 41,
subs. 2,
re-enacted

3. Subsection 2 of section 41 of *The Labour Relations Act* is repealed and the following substituted therefor:

agreement

- (2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit,
- (a) in the case of a collective agreement for a term of not more than two years, only after the commencement of the last two months of its operation;
 - (b) in the case of a collective agreement for a term of more than two years, only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be;
 - (c) in the case of a collective agreement referred to in clause *a* or *b* that provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, only during the last two months of each year that it so continues to operate or after the commencement of the last two months of its operation, as the case may be.

SECTION 5. This amendment corrects a typographical error.

SECTION 6. Self-explanatory.

4. Clause *a* of subsection 2 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 194, s. 44
(1954, c. 42,
s. 12),
subs. 2,
cl. a,
re-enacted

(a) unless following the granting of the request a collective agreement has been made between the parties and,

(i) in the case of an agreement for a term of not more than two years, the last two months of its operation have commenced, or

(ii) in the case of an agreement for more than two years, the twenty-third month of its operation has commenced; or

.

5. Subsection 2 of section 47a of *The Labour Relations Act*, as enacted by section 13 of *The Labour Relations Amendment Act, 1954*, is amended by striking out "employers" in the eighth line and inserting in lieu thereof "employees".

R.S.O. 1950,
c. 194, s. 47a
(1954, c. 42,
s. 13),
subs. 2,
amended

6. Section 66 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 194, s. 66,
amended

(2a) Notwithstanding subsection 2, the Lieutenant-Governor in Council may appoint as members of the Board such additional members representative of employers and employees respectively as he may deem proper, but a member appointed under this subsection shall act as a member of the Board only on the request of the chairman or vice-chairman and where such a member so acts it shall be presumed conclusively that he is acting on the request of the chairman or vice-chairman, as the case may be.

Additional
members

7. *The Labour Relations Act* as heretofore amended and as amended by this Act applies for the purposes of any proceedings before the Board begun after the commencement of this Act, and nothing in this Act affects any proceedings before the Board begun before the commencement of this Act which proceedings shall be continued as though this Act had not been passed.

Application

8. This Act may be cited as *The Labour Relations Amendment Act, 1958*.

Short title

BILL

An Act to amend
The Labour Relations Act

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. DALEY

No. 93

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Labour Relations Act

MR. DALEY

BILL

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Labour Relations Act*, as amended by R.S.O. 1950, section 8 of *The Labour Relations Amendment Act, 1954*, is amended c. 194, s. 32, further amended by adding thereto the following subsection:

- (3b) Where a request is made under subsection 3a and the question arises as to whether a collective agreement has been made or as to whether it is in operation or as to who the parties are or who are bound by it or on whose behalf it is made, the Minister may refer the question to the Board and thereupon the question shall be deemed to be a question arising in a proceeding under subsection 1 of section 68. Reference of questions

2. Subsections 1, 2 and 3 of section 40 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 194, s. 40, subss. 1-3, re-enacted

- (1) Where a collective agreement is for a term of not more than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the last two months of its operation. When application for new certification may be made
- (2) Where a collective agreement is for a term of more than two years, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be. Idem

Idem

- (3) Where a collective agreement referred to in subsection 1 or 2 provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, a trade union may apply for certification as bargaining agent of any of the employees in the bargaining unit defined in the agreement during the further term or successive terms only during the last two months of each year that it so continues to operate, or after the commencement of the last two months of its operation, as the case may be.

R.S.O. 1950,
c. 194, s. 41,
subs. 2,
re-enacted

3. Subsection 2 of section 41 of *The Labour Relations Act* is repealed and the following substituted therefor:

agreement

- (2) Any of the employees in the bargaining unit defined in a collective agreement may apply to the Board for a declaration that the trade union no longer represents the employees in the bargaining unit,
- (a) in the case of a collective agreement for a term of not more than two years, only after the commencement of the last two months of its operation;
 - (b) in the case of a collective agreement for a term of more than two years, only after the commencement of the twenty-third month of its operation and before the commencement of the twenty-fifth month of its operation and during the two-month period immediately preceding the end of each year that the agreement continues to operate thereafter or after the commencement of the last two months of its operation, as the case may be;
 - (c) in the case of a collective agreement referred to in clause *a* or *b* that provides that it shall continue to operate for any further term or successive terms if either party fails to give to the other notice of termination or of its desire to bargain with a view to the renewal, with or without modifications, of the agreement or to the making of a new agreement, only during the last two months of each year that it so continues to operate or after the commencement of the last two months of its operation, as the case may be.

4. Clause *a* of subsection 2 of section 44 of *The Labour Relations Act*, as re-enacted by section 12 of *The Labour Relations Amendment Act, 1954*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 194, s. 44
(1954, c. 42,
s. 12),
subs. 2,
cl. a,
re-enacted

- (a) unless following the granting of the request a collective agreement has been made between the parties and,
 - (i) in the case of an agreement for a term of not more than two years, the last two months of its operation have commenced, or
 - (ii) in the case of an agreement for more than two years, the twenty-third month of its operation has commenced; or

.

5. Subsection 2 of section 47a of *The Labour Relations Act*, as enacted by section 13 of *The Labour Relations Amendment Act, 1954*, is amended by striking out "employers" in the eighth line and inserting in lieu thereof "employees".

R.S.O. 1950,
c. 194, s. 47a
(1954, c. 42,
s. 13),
subs. 2,
amended

6. Section 66 of *The Labour Relations Act*, as amended by section 9 of *The Labour Relations Amendment Act, 1957*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 194, s. 66,
amended

- (2a) Notwithstanding subsection 2, the Lieutenant-Governor in Council may appoint as members of the Board such additional members representative of employers and employees respectively as he may deem proper, but a member appointed under this subsection shall act as a member of the Board only on the request of the chairman or vice-chairman and where such a member so acts it shall be presumed conclusively that he is acting on the request of the chairman or vice-chairman, as the case may be.

Additional
members

7. *The Labour Relations Act* as heretofore amended and as amended by this Act applies for the purposes of any proceedings before the Board begun after the commencement of this Act, and nothing in this Act affects any proceedings before the Board begun before the commencement of this Act which proceedings shall be continued as though this Act had not been passed.

8. This Act may be cited as *The Labour Relations Amendment Act, 1958*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

February 19th, 1958

2nd Reading

March 4th, 1958

3rd Reading

March 17th, 1958

MR. DALEY

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. These amendments will allow the Engineer to require unworked mines to be protected by means other than fencing as a public safety measure.

No. 94

1958

BILL

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 159 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by inserting after "fenced" in the seventh line "or otherwise protected against inadvertent access", so that the subsection shall read as follows:

R.S.O. 1950,
c. 236, s. 159
(1957, c. 71,
s. 12),
subs. 1,
amended

- (1) Where a mine has been abandoned or the work therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth or other conditions to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the Engineer, except that the Chief Engineer may grant exemption in writing if in his opinion such mine or workings present no greater hazard than the natural topographic features of the district.

Fencing
or other
protection
of
abandoned
or
unworked
mines

(2) Subsection 2 of the said section 159 is amended by inserting after "fencing" in the third line "or protection", so that the subsection shall read as follows:

R.S.O. 1950,
c. 236, s. 159
(1957, c. 71,
s. 12),
subs. 2,
amended

- (2) Every such person who, after notice in writing from the Engineer, fails to comply with his directions as to such fencing or protection within the time named in the notice shall be guilty of an offence against this Act.

Failure
to erect
fences or
protection

(3) Subsection 3 of the said section 159 is amended by inserting after "fencing" in the first line "or protection", so that the subsection shall read as follows:

R.S.O. 1950,
c. 236, s. 159
(1957, c. 71,
s. 12),
subs. 3,
amended

When
Engineer
may erect
fences or
protection

- (3) Where the Engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12), rule
242, cl. e,
re-enacted

2.—(1) Clause *e* of rule 242 of section 162 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is repealed and the following substituted therefor:

- (e) Clauses *c* and *d* do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors, with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12), rule
262,
amended

(2) Rule 262 of the said section 162 is amended by adding thereto the following clause:

- (b) In the installation of any newly-acquired hoist, all brake engines shall be so arranged that inadvertent or accidental loss of pressure in the brake system cannot cause the release of the brake.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12),
rule 263,
amended

(3) Rule 263 of the said section 162 is amended by striking out the first four lines and inserting in lieu thereof the following:

Brakes

- (263) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that in shaft inspection, maintenance or sinking operations men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

R.S.O. 1950,
c. 236, s. 164
(1957, c. 71,
s. 12),
subs. 4,
amended

3. Subsection 4 of section 164 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by striking out "A certified copy" in the first line and inserting in lieu thereof "Two certified copies", so that the subsection shall read as follows:

SECTION 2—Subsection 1. In the interest of safety, the requirements for temperature indicators on air compressors are increased.

Subsection 2. This amendment will provide a safeguard against the inadvertent release of a hoist brake.

Subsection 3. This amendment will permit the changing of balance of shaft conveyances carrying men on the fixed or clutched-in drum while shaft sinking, inspection or maintenance work is going on.

SECTION 3. Self-explanatory.

- (4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. <sup>Certified
copies to
Minister</sup>

4. This Act may be cited as *The Mining Amendment Act*, Short title 1958.

BILL

An Act to amend The Mining Act

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Act

MR. SPOONER

BILL

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 159 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by inserting after “fenced” in the seventh line “or otherwise protected against inadvertent access”, so that the subsection shall read as follows: R.S.O. 1950, c. 236, s. 159 (1957, c. 71, s. 12), subs. 1, amended

- (1) Where a mine has been abandoned or the work therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth or other conditions to be and to be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the Engineer, except that the Chief Engineer may grant exemption in writing if in his opinion such mine or workings present no greater hazard than the natural topographic features of the district. Fencing or other protection of abandoned or unworked mines

(2) Subsection 2 of the said section 159 is amended by inserting after “fencing” in the third line “or protection”, so that the subsection shall read as follows: R.S.O. 1950, c. 236, s. 159 (1957, c. 71, s. 12), subs. 2, amended

- (2) Every such person who, after notice in writing from the Engineer, fails to comply with his directions as to such fencing or protection within the time named in the notice shall be guilty of an offence against this Act. Failure to erect fences or protection

(3) Subsection 3 of the said section 159 is amended by inserting after “fencing” in the first line “or protection”, so that the subsection shall read as follows: R.S.O. 1950, c. 236, s. 159 (1957, c. 71, s. 12), subs. 3, amended

When
Engineer
may erect
fences or
protection

- (3) Where the Engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12), rule
242, cl. e,
re-enacted

2.—(1) Clause *e* of rule 242 of section 162 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is repealed and the following substituted therefor:

- (e) Clauses *c* and *d* do not apply to portable compressors, compressors discharging to atmosphere, stationary compressors of less than 300 c.f.m. capacity, banks of compressors with a total capacity of less than 300 c.f.m. discharging to a common receiver, or compressors where the cylinders are not lubricated with oil.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12), rule
262,
amended

(2) Rule 262 of the said section 162 is amended by adding thereto the following clause:

- (b) In the installation of any newly-acquired hoist, all brake engines shall be so arranged that inadvertent or accidental loss of pressure in the brake system cannot cause the release of the brake.

R.S.O. 1950,
c. 236, s. 162
(1957, c. 71,
s. 12),
rule 263,
amended

(3) Rule 263 of the said section 162 is amended by striking out the first four lines and inserting in lieu thereof the following:

Brakes

- (263) At all times that men are in or on a shaft hoisting conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use, except that in shaft inspection, maintenance or sinking operations men may be in or on a shaft hoisting conveyance attached to the fixed or clutched-in drum when changing balance.

R.S.O. 1950,
c. 236, s. 164
(1957, c. 71,
s. 12),
subs. 4,
amended

3. Subsection 4 of section 164 of *The Mining Act*, as re-enacted by section 12 of *The Mining Amendment Act, 1957*, is amended by striking out "A certified copy" in the first line and inserting in lieu thereof "Two certified copies", so that the subsection shall read as follows:

- (4) Two certified copies of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgement of receipt of the agreement by the Minister. ^{Certified copies to Minister}

4. This Act may be cited as *The Mining Amendment Act*, Short title 1958.

An Act to amend The Mining Act

1st Reading

February 19th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 17th, 1958

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
The Surveys Act, 1958

MR. MAPLEDORAM

CONTENTS

		SECTION	PAGE
	Interpretation.....	1	1
PART I	General.....	2-12	3
PART II	Front and Rear Townships.....	13-16	6
PART III	Single Front Townships.....	17-23	7
PART IV	Double Front Townships.....	24-30	12
PART V	Sectional Townships with Double Fronts.....	31-36	18
PART VI	Sectional Townships with Single Fronts	37-41	26
PART VII	Sectional Townships with Sections and Quarter Sections.....	42-47	31
PART VIII	Municipal and Crown Re-surveys....	48-51	34
PART IX	Plans of Subdivision.....	52-56	35
PART X	Surveys of Land under The Highway Improvement Act.....	57	38
PART XI	Miscellaneous.....	58-63	39

EXPLANATORY NOTE

The laws governing surveys in Ontario are as old as its history. The first revision of these laws was made in 1849 and the most recent in 1920.

Three different systems of surveying townships were in use before 1829 and three other systems have been followed since that time.

The 1920 Act, which is in force at the present time, did not deal separately with each of these six systems with the result that difficulty is experienced in determining the proper method to be followed in any particular system.

This bill, which has been prepared over a period of years by the Association of Ontario Land Surveyors and the Surveyor General, does not change the basic principles of the present Act but it extends these principles and deals with each system separately and completely even though this results in some repetition. It is felt that this method will make the Act more readily understandable, bringing about greater certainty in surveying practices and reduce the work of surveys.

The bill provides another feature which it is felt will be of great assistance to practising surveyors. Regulations will be made illustrating and complementing by words and sketches the many difficult and highly technical procedures set out in the Act.

BILL

The Surveys Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "ascertainable point" means a point found or re-established in its original position on a line or boundary established during the original survey or on a line or boundary established during the survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*; R.S.O. 1950,
cc. 197, 336
- (b) "broken concession" means a concession any boundary of which is broken in whole or in part by a lake or river;
- (c) "broken lot" means an irregular lot or a regular lot whose area is diminished or increased by a natural or artificial feature shown on the original plan;
- (d) "competent authority" means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land which was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made;
- (e) "concession" means a tier of township lots; *New.*
- (f) "Department" means Department of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (a).
- (g) "irregular lot" means a township lot whose boundaries according to the original plan do not conform

within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

- (h) "land" includes land covered with water;
- (i) "last ascertainable side line" means a line in a broken concession established from the front of the concession on the course of a side line of a lot from the lot corner nearest to the end of the part of the concession so broken;
- (j) "lost corner" means a corner established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original post no longer exists or never existed and which cannot be re-established from the field notes of either of such surveys or by evidence under oath; *New*.
- (k) "Minister" means Minister of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (b).
- (l) "obliterated boundary" means a boundary established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original posts or blazed trees no longer exist and which cannot be re-established from the field notes of either of such surveys or by evidence under oath;
- (m) "original plan" means a plan certified by the Surveyor-General as being the original plan of an original survey;
- (n) "original post" means any object that defines a point and that was placed, planted or marked during the original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*;
- (o) "original survey" means a survey made under competent authority;
- (p) "proof line" means a line surveyed across one or more concessions in the original survey of a single front township or of a double front township to govern the course of a side line of a lot; *New*.
- (q) "regular lot" means a township lot whose boundaries according to the original plan conform within one degree to the bearings shown for the correspond-

R.S.O. 1950,
cc. 197, 336

ing boundaries of the majority of the lots in the tier in which the lot occurs; R.S.O. 1950, c. 381, s. 1, cl. (d), *amended*.

- (r) "surveyor" means Ontario land surveyor registered under *The Land Surveyors Act*; R.S.O. 1950, c. 381, ^{R.S.O. 1950, c. 196} s. 1, cl. (c), *amended*.
- (s) "unbroken lot" means a regular lot whose area is not diminished or increased by a natural or artificial feature shown on the original plan; R.S.O. 1950, c. 381, s. 1, cl. (e), *amended*.
- (t) "undisputed corner" means a corner of a parcel of land at which the original post exists, or a corner established under this Act or any predecessor of this Act. R.S.O. 1950, c. 381, s. 1, cl. (f), *amended*.

PART I

GENERAL

2. No survey of land for the purpose of defining, locating ^{Validity of} or describing any line, boundary or corner of a parcel of land ^{surveys} is valid unless made by a surveyor or under the personal supervision of a surveyor. R.S.O. 1950, c. 381, s. 2, *amended*.

3. All lines, boundaries and corners established under the ^{Lines, etc.,} authority of any Act heretofore or hereafter in force remain ^{remain} valid and all other things done under any such authority and in conformity therewith remain valid notwithstanding the repeal of such authority. R.S.O. 1937, c. 232, s. 3, *amended*.

4.—(1) Every surveyor shall make and preserve exact and ^{Duty to} regular field notes of all his surveys and shall keep a proper ^{keep field} record and index of all such field notes and shall exhibit or ^{notes, etc.} give copies of the same to any surveyor for a reasonable charge.

(2) Where a surveyor has died and no arrangements have ^{Disposition of notes} been made within six months of his death to place his field ^{of} notes, records and indices in the custody of a surveyor in ^{deceased} active practice, the secretary-treasurer of the Association of Ontario Land Surveyors shall cause such field notes, records and indices to be delivered by the personal representative of the deceased surveyor to the Minister who shall hold them for the benefit of the estate for a period not exceeding five years, and upon the expiry of that period such field notes, records and indices become the property of the Crown and may be disposed of by the Minister in any manner he deems proper.

To be
deemed
public
documents

(3) So long as such field notes, records and indices are in the possession of the Minister, he shall exhibit or give copies of the same to any person for a reasonable charge. R.S.O. 1950, c. 381, s. 3, *amended*.

Chainman's
oath

5. A surveyor may at any time require a chainman or any other person in his employ to take an oath in writing to act justly and exactly according to the best of his judgment and ability and to render a true account of his work to the surveyor, which oath the surveyor is hereby authorized to administer. R.S.O. 1950, c. 381, s. 5, *amended*.

Right to
enter land,
buildings

6.—(1) A surveyor or a person in his employ while making a survey may,

(a) at any time enter and pass over the land of any person; or

(b) at any time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the survey, but the surveyor is liable for any damage occasioned thereby. R.S.O. 1950, c. 381, s. 6 (1, 2), *amended*.

Penalty
for
obstructing

(2) Every person who interferes with or obstructs a surveyor or a person in his employ in the exercise of any of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 381, s. 6 (3), *amended*.

Examination
under oath

7.—(1) A surveyor may examine under oath any person concerning a line, boundary, corner or post to assist him in ascertaining its true position.

Record of
evidence

(2) The surveyor may cause the evidence so taken to be put in writing in the form of a statement under oath.

Subpoena

(3) Where the surveyor has reason to believe that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position or has a writing, plan or document concerning a line, boundary, corner or post and such person has refused to give the information or to produce the writing, plan or document to the surveyor while being examined under subsection 1, a judge of a county or district court, upon application of the surveyor, may order a subpoena to issue out of the court of which he is a judge commanding such person to appear before the surveyor at the time and place specified in the subpoena and to bring with him any writing, plan or document specified therein.

(4) The subpoena shall be served personally on the person named in it and he shall be tendered his reasonable expenses. Service of subpoena

(5) Every person who is served with a subpoena under this section and who has been tendered his reasonable expenses and who fails to appear before the surveyor in accordance with the subpoena or who fails to produce any writing, plan or document specified in the subpoena or to give such information as he has respecting the line, boundary, corner or post in question is guilty of contempt of the court out of which the subpoena issued. Penalty for failure to obey subpoena

(6) A surveyor may administer oaths for any of the purposes of this section. R.S.O. 1950, c. 381, ss. 7, 8, *amended*. Power to administer oaths

8. Every base line and meridian line surveyed under the instructions of the Minister before the 28th day of March, 1956, that is shown on the original plan thereof shall be deemed to have been made by competent authority and is true and unalterable and shall be deemed to be defined by the original posts or blazed trees in the survey thereof. *New*. True and unalterable base lines and meridian lines

9. Notwithstanding section 57, every line, boundary and corner established by an original survey and shown on the original plan thereof is a true and unalterable line, boundary or corner, as the case may be, and shall be deemed to be defined by the original posts or blazed trees in the original survey thereof, whether or not the actual measurements between the original posts are the same as shown on the original plan and field notes or mentioned or expressed in any grant or other instrument, and every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 9 (1, 2), *amended*. True and unalterable lines, etc.

10. A surveyor in establishing or re-establishing a line, boundary or corner surveyed under competent authority and shown on the original plan thereof, other than a township subdivision plan, shall be governed by sections 53 and 54. R.S.O. 1950, c. 381, s. 9 (3), *amended*. Methods governing plans, other than township subdivision plans

11.—(1) Where a lake or river is shown on an original plan of Crown lands and a parcel of land shown thereon is given an acreage covering the land area only, such parcel of land does not include any land covered by the water of the lake or river. Where land covered by water not included

(2) Subsection 1 does not affect the rights of any person where such rights were determined by a court before the 8th day of July, 1913. R.S.O. 1950, c. 381, s. 29 (4, 5), *amended*. Certain rights not affected

Lands in township concessions included in same grant

12. Where the Crown has conveyed a parcel of land composed of two or more township lots or parts of lots in concessions adjoining each other by an instrument that contains a metes and bounds description of the parcel prepared from an original plan, the side lines or limits of such lots or parts of lots surveyed in accordance with this Act or any predecessor of this Act constitute the side lines or limits of the parcel. R.S.O. 1950, c. 381, s. 31, *amended*.

PART II

FRONT AND REAR TOWNSHIPS

Interpretation

13.—(1) In this Part, “front and rear township” means a township where the usual practice in the original survey was to survey the township boundaries, the base lines, if any, and the side lines of the lots and to establish the corners of the lots. *New*.

Re-establishment of lost corners, etc.

(2) A surveyor in re-establishing a lost corner, an obliterated boundary or an obliterated side line of a lot in a front and rear township shall obtain the best evidence available respecting the corner, boundary or side line, but if the corner, boundary or side line cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister, who shall instruct him how to proceed. *New*.
- (b) If a part of the township boundary or a base line is obliterated, he shall re-establish the township boundary or the base line by joining the nearest ascertainable points thereof as intended in the original survey.
- (c) If a side line or part thereof is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey, and if an end of a side line is obliterated, he shall re-establish such end by measuring along the township boundary or base line in the manner in which such measurement was made as shown on the original plan and field notes.
- (d) If the lost corner is a corner of a lot, he shall determine the distance along the side line between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey. R.S.O. 1950, c. 381, s. 34 (1, 2), *part, amended*.

14. A boundary of a lot shown on the original plan of a front and rear township that was not surveyed in the original survey is the straight line between the two corners of such lot. ^{Unsurveyed boundaries} R.S.O. 1950, c. 381, s. 34 (1), *part, amended*.

15. The front of a concession in a front and rear township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered, but in the case of a township in which the concessions are not numbered or lettered, the front of a concession is the boundary of the concession that is nearest the boundary of the township or the base line along which the width of the first lot was measured. ^{Fronts of concessions} *New*.

16.—(1) The aliquot part of a lot in a front and rear township is the aliquot part of the area of the lot, whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Aliquot parts of lots} R.S.O. 1950, c. 381, s. 29 (2), *amended*.

(2) The boundaries of an aliquot part of a lot in a front and rear township, of which lot no aliquot part was surveyed before the 1st day of January, 1959, shall be surveyed on the astronomic course intended in the original survey for the side lines of such lot or on the astronomic course intended for the base line of the township, as the case may be. ^{Boundaries of aliquot parts} *New*.

PART III

SINGLE FRONT TOWNSHIPS

17.—(1) In this Part, "single front township" means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and the base lines, if any, and the concession lines for the fronts of the concessions and to establish the lot corners on the front of each concession. ^{Interpretation} *New*.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a single front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows: ^{Re-establishment of lost corners, etc.}

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.

- (b) If the lost corner is a corner of a lot on a township boundary or on the front of a concession, he shall determine the distance between the two nearest undisputed corners and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-4), *part, amended.*
- (e) If the front line of a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on the front of a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along the front of the concession the distance shown on the original plan and field notes from the last undisputed corner. *New.*

Fronts of
concessions

18. The front of a concession in a single front township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1950, c. 381, s. 24, *part, amended.*

Concession
line not
surveyed or
obliterated

19. Where in a single front township the whole of the front boundary of a concession was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such front boundary in whole or in part shall establish or re-establish such boundary to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended.*

Concession
not surveyed
in original
township,
side lines
established

20. Where the front of a concession in a single front township was not surveyed in the original survey, the side lines of the lots in such concession shall be surveyed from the corners of the lots on the front of the concession to the rear thereof

to the depth of the concession, that is, to the proportionate depth intended in the original survey as shown on the original plan and field notes having due regard for any road allowance made in the original survey, and the straight line joining the ends of the lot lines so surveyed is the boundary of such concession. R.S.O. 1950, c. 381, s. 24, *part, amended*.

21. A surveyor in establishing in a concession in a single front township a side line of a lot that was not surveyed in the original survey shall proceed as follows: Establishment of side lines

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the front boundary of the concession as shown on the original plan and field notes, or, if parts of the front boundary of the

concession have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the front boundary of the concession as the Minister directs.

- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.
- (f) If the concession is wholly broken in front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots in the broken front concession, he shall establish the side lines in such broken front concession in accordance with this section from the corners of the lots on the front boundary of the concession in the rear thereof to the lake or river.
- (g) If the concession is partly broken in front at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from the points on the rear boundary of the concession determined by dividing proportionately as intended in

the original survey the distance between the end of the concession and the intersection of the last ascertainable side line with the rear of the concession as shown on the original plan, but where such end of the concession is wholly bounded by a lake or river and no measurement was made in the original survey along the rear of the concession to the lake or river, he shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear boundary the widths of the lots as intended in the original survey from the intersection of the last ascertainable side line.

- (h) If the concession is partly broken in front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines on both sides of the lake or river with the rear boundary of the concession. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

22.—(1) The aliquot part of a lot in a single front town- Aliquot
ship is the aliquot part of the area of the lot whether the area parts
of the aliquot part as so determined is more or less than that described
expressed in any grant or other instrument. R.S.O. 1950,
c. 381, s. 29 (2), *part, amended*.

(2) The boundaries of an aliquot part of a lot in a single Boundaries
front township of which lot no aliquot part was surveyed before
the 1st day of July, 1944, shall be surveyed on the astronomic
course of a side line not surveyed in the original survey or
parallel to the straight line joining the front corners of the
lot, as the case may be, but where in such latter case the lot
is broken on its front at either end by a lake or river, the
unsurveyed boundaries of the aliquot part shall be surveyed
parallel to the straight line joining the rear corners of the
lot, and where the rear boundary of the lot is also broken at
either end by a lake or river, the unsurveyed boundaries of
the aliquot part shall be surveyed on the astronomic course
of the front of the concession as shown on the original plan
and field notes, or, if such course was not so shown, they shall
be surveyed on the astronomic course intended for the front
of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Governing
course for
side lines

23.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a single front township for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the front and rear ends of the boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a single front township for the purpose of measuring an angle with such front to establish a side line of a lot shall determine the course of the straight line joining the ends of such front, but where the front of the concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART IV

DOUBLE FRONT TOWNSHIPS

Interpre-
tation

24.—(1) In this Part, “double front township” means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and base lines, if any, and the concession lines forming the front boundaries of the half lots and to establish the front corners of the half lots. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a double front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a lot on a township boundary or on a concession line, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the

opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-5), *amended*.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.
- (e) If the concession line forming the front boundary of the half lots in a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on a concession line forming the front boundary of the half lots in a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along such concession line the distance shown on the original plan and field notes from the last undisputed corner.
New.

25. The front boundary of a half lot in a double front township is the boundary of the half lot that abuts the road allowance between two concessions made in the original survey, or, where a concession is broken by a lake or river, the front boundary of a half lot is the original shore of the lake or river opposite the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.

26. Where in a double front township the whole of the concession line forming the front boundary of the half lots was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such concession line in whole or in part shall establish or re-establish such concession line to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended*.

Establish-
ment of rear
boundaries

27. A surveyor in establishing the rear boundaries of half lots in a concession in a double front township shall proceed as follows without reference to the description contained in any grant or other instrument:

- (a) If the concession is unbroken on both fronts by a lake or river, he shall join by straight lines the midway points of the side lines of the lots and their production through the concession. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.
- (b) If the concession is broken on either or both fronts by a lake or river but the fronts of the concession are not wholly broken at either or both ends, he shall join by a straight line the midway points of the last ascertainable side line and its production through the concession at each end of the broken front.
- (c) If the concession is wholly broken on both fronts at either end of the concession by a lake or river but not broken on both fronts throughout the entire concession, he shall establish the midway point of the last ascertainable side line and its production through the concession and from this point he shall establish the rear boundary of the half lots on both fronts of the concession on the astronomic course intended in the original survey.
- (d) If the concession is broken at its end on one of the fronts of the half lots by a lake or river but not so broken on the rear boundaries of such half lots, he shall establish the midway point of the last ascertainable side line of the half lots so broken and its production through the concession and from such midway point join a straight line to a point on the township boundary determined by measuring along that boundary the distance intended in the original survey from the unbroken front of the concession. *New.*

Establish-
ment of
side lines

28. A surveyor in establishing in a concession in a double front township a side line of a half lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line

on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at that end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the concession line as shown on the original plan and field notes, or, if parts of the concession line have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the concession line as the Minister directs.
- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he

shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

- (f) If the concession is wholly broken on one front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots, he shall establish the side lines of the broken half lots according to this section from the rear corners of the half lots on the unbroken front of the concession.
- (g) If the concession is wholly broken on both fronts at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by measuring along the rear boundaries of the half lots the widths of the half lots as intended in the original survey from the intersections of the last ascertainable side lines of the half lots with the rear boundaries of the half lots.
- (h) If the concession is partly broken on one front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the width in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines of the half lots on both sides of the lake or river with the rear boundaries of the half lots.
- (i) If the concession is partly broken on either front at either end but not broken at the end of the rear

boundary of the half lots by a lake or river and no posts were planted in the original survey on the bank of such lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the last ascertainable side line of the half lot on the front of the concession so broken.

- (j) If the concession is partly broken on either front at either end by a lake or river and also broken at the end of the rear boundary of the half lots and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of the broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by measuring along such rear boundary the widths of the broken half lots as intended in the original survey from the intersection of the last ascertainable side line of the half lot on the front of the concession so broken. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

29.—(1) The aliquot part of a half lot in a double front township is the aliquot part of the area of the half lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

(2) The boundaries of an aliquot part of a half lot in a double front township of which half lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the half lot, as the case may be, but where in such latter case the front of the half lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the half lot, and where the rear boundary of the half lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the half lot as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended in the original survey for the front of the half lot. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Governing
course for
side lines

30.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a double front township for the purpose of surveying a side line of a half lot shall determine the course of the straight line joining the front and rear ends of such boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a double front township for the purpose of measuring an angle with such front to establish a side line of a half lot shall determine the course of the straight line joining the ends of such front, but where the front of a concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART V

SECTIONAL TOWNSHIPS WITH DOUBLE FRONTS

Interpre-
tation

31.—(1) In this Part, "sectional township with double fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of sections defining section boundaries and to establish the front corners of the lots and the section corners. *New*.

Re-es-
tab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with double fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

- (c) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (d) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes not as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not on a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sec-

tions are lost, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section on opposite sides of the concession line.

- (f) If the lost corner is the corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not in a straight line, and the side lines between such sections and adjacent sections on the opposite sides of the concession line are shown on the original plan and field notes as not in a straight line and the section corners of the adjacent sections on the concession line are lost, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on a front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance, opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.
- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-5), 30, *amended*.

(j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New.*

(3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any Application corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

32. The front of a concession in a sectional township with double fronts is the boundary of the concession that abuts the road allowance between two concessions shown on the original plan or, where a concession is broken by a lake or river, that is nearest the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 27, *part, amended.* Fronts of concessions

33. A surveyor in establishing the rear boundary of a concession in a sectional township with double fronts shall proceed as follows: Establishment of rear boundaries of concessions

(a) If the two concessions in a section are unbroken by a lake or river on their fronts, he shall, if intended in the original survey, join by straight lines the midway points of the side lines of the lots and their productions through the section.

(b) If the two concessions in a section are broken by a lake or river on either or both of their fronts but the fronts of the two concessions are not wholly broken at either or both ends of the section, he shall, if intended in the original survey, join by a straight line the midway points between the fronts of the two concessions on the last ascertainable side line in the section at each end of the broken front.

(c) If one of the concessions in a section is broken by a lake or river on its front at either or both ends of the section but not broken through the entire section, he shall join by a straight line a point on the broken side line of the section determined by

measuring the distance shown on the original plan and field notes from the unbroken front and the midway point between the fronts of the two concessions on the last ascertainable side line in the section at the end of the broken front.

- (d) If one of the concessions in a section is wholly broken by a lake or river on its front, he shall measure the distance shown on the original plan and field notes along the side lines of the lots from the front of the unbroken concession.
- (e) If one of the concessions in a section is partly or wholly broken by a lake or river on its front and at either or both ends of the section and the other concession in the section is partly or wholly broken by a lake or river at either or both ends of the section and partly broken on its front, he shall establish the rear boundary of the concessions so broken on their fronts on the astronomic course intended in the original survey from a point determined by measuring the distance shown on the original plan and field notes from the unbroken part of the front of such concession along the last ascertainable side line in that concession at the end of the broken front.
- (f) If both concessions in a section are wholly broken by a lake or river on their fronts and no posts were planted in the original survey to establish the rear boundaries of such concessions, he shall establish the rear boundary of such concessions on the astronomic course intended in the original survey from a point established on the limit of the section nearest to the end from which the lots are numbered midway between the section corners. *New.*

**Establish-
ment of
side lines**

34. A surveyor in establishing in a concession in a sectional township with double fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) Where any such township was surveyed under the 1,000-acre or 1,800-acre sectional system and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course

shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

- (b) Where any such township was surveyed under any sectional system other than the 1,000-acre or 1,800-acre sectional system and if it was intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes. R.S.O. 1950, c. 381, s. 22 (1, 2), *amended*.
- (c) If the fronts of either or both concessions in a section are partly or wholly broken by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of such broken lots in accordance with this section from points on the section limit fronting each concession determined by dividing proportionately as intended in the original survey the distance between the two nearest undisputed lot corners in the section, one being on either side of the side line of the broken lot to be established. R.S.O. 1950, c. 381, s. 19 (1), *amended*.
- (d) If one of the concessions in a section is wholly broken by a lake or river on its front and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the broken lots and the original field notes do not

show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such a concession in accordance with this section from the rear corners of the lots in the concession to the rear thereof.

- (e) If both concessions in a section are wholly broken by a lake or river on their fronts and wholly broken at one end of the section and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such concessions in accordance with this section from points on the rear concession line determined by measuring along the rear concession line the distance intended in the original survey from the section limit at the end of the section that is not wholly broken.

- (f) If one of the concessions in a section is broken at either end but not wholly broken on its front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of any such broken lot in accordance with this section from the rear corners of the lots of the concession to the rear, but this clause does not affect a side line of a lot established before the 1st day of January, 1959.

- (g) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New.*

35.—(1) Where the whole or a part of any lot in a sectional township with double fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Aliquot parts

(2) Where the whole or a part of a broken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Idem

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended in the original survey for the front of the concession. Boundaries of aliquot parts

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. Idem
R.S.O. 1950, c. 381, s. 29 (1-3), *amended*.

Governing
course for
side lines

36. A surveyor in establishing the course of a boundary line of a section in a sectional township with double fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*.

PART VI

SECTIONAL TOWNSHIPS WITH SINGLE FRONTS

Interpre-
tation

37.—(1) In this Part, "sectional township with single fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of the sections and to establish the front corners of the lots and the section corners. *New*.

Re-esta-
blishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with single fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.
- (c) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart,

he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and joining with a straight line the nearest ascertainable points on the concession line.

- (d) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession are shown on the original plan and field notes not as a straight line, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section.
- (f) If the lost corner is the corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite sides of the concession line are shown on the original plan and field notes not as a straight line, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on the front of a concession, he shall determine the distance between the two nearest undisputed corners

in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-4), 30, *amended*.
- (j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.
- (k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New*.

Application (3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

Fronts of concessions **38.** The front of a concession in a sectional township with single fronts is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. *New*.

Establishment of side lines **39.** A surveyor in establishing in a concession in a sectional township with single fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the astronomic course for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, but where the side line of such section

is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course of the side line of the section at the other end of such section, but where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course shown on the original plan and field notes.

- (b) If the front of a concession in a section is partly or wholly broken by a lake or river and no post was planted in the original survey on the bank of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from a point on the section limit fronting the concession determined by dividing proportionately as intended in the original survey the distance between the corners of the section.
- (c) If the front of a concession in a section is wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from the front corner of the lots in the concession to the rear thereof. R.S.O. 1950, c. 381, ss. 19 (1), 22 (1), 25 (1), *amended*.
- (d) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots and the original field notes do not show that a survey line was run in the original survey to regulate the widths in front of the broken lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New*.

Aliquot
parts

40.—(1) Where the whole or a part of any lot in a sectional township with single fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Idem

(2) Where the whole or a part of a broken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Boundaries
of aliquot
parts

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended in the original survey for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Idem

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of

the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

41. A surveyor in establishing the course of a boundary line of a section in a sectional township with single fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*. Governing
course for
side lines

PART VII

SECTIONAL TOWNSHIPS WITH SECTIONS AND QUARTER SECTIONS

42. In this Part, "sectional township with sections and quarter sections" means, Interpre-
tation

(a) a township divided into sections and quarter sections without road allowances between sections where the usual practice in the original survey was to survey the township boundaries and section lines and to establish the section corners and quarter section corners; or ,

(b) a township divided into sections and quarter sections with road allowances between sections where the usual practice in the original survey was to survey the township boundaries and the section lines on the west and south sides of the road allowances and to establish the section corners and the quarter section corners on the surveyed lines. *New.*

43.—(1) Every road allowance between sections of sectional townships surveyed under instructions of the Department of Interior of Canada is one chain wide and every such road allowance lies north and east of the south and west sides of the road allowance as surveyed in the original survey. R.S.O. 1950, c. 381, s. 32 (2), *amended*. Widths of
certain road
allowances

(2) The strips of land formerly forming parts of the original road allowances mentioned in subsection 1 are detached therefrom and attached to and form part of the quarter section immediately adjoining the strips of land on the east and north thereof. R.S.O. 1950, c. 381, s. 32 (3), *amended*. Land
detached
from
original
road
allowances

(3) The section and quarter section corners established in the original survey of the townships mentioned in subsection 1 continue to be the governing points for the purpose of Original
section
and quarter
section
posts to
govern

re-establishing a lost corner or obliterated boundary of a section or quarter section and establishing section and quarter section corners not established in the original survey. R.S.O. 1950, c. 381, s. 32 (4), *amended*.

Re-establishment of lost corners and obliterated boundaries

44.—(1) A surveyor in re-establishing a lost corner or obliterated boundary surveyed in the original survey in a sectional township with sections and quarter sections with or without road allowances shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (b) If the lost corner is a corner of a section or quarter section on or along a township boundary, he shall determine the distance between the nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If the lost corner is a corner of a section on a section boundary in the interior of a township, he shall re-establish the corner by intersecting the straight lines joining the nearest ascertainable points on the adjoining intersecting section boundaries.
- (d) If the lost corner is a corner of a quarter section on a section boundary in the interior of a township, he shall re-establish the corner by joining the nearest ascertainable points on the section boundary and shall determine the distance between the section corners of the section in which the quarter section corner is lost and divide the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (e) If part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (f) If a part of a section boundary in the interior of a township is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (2, 4), 33, *part, amended*.

(2) A surveyor in establishing an original section line on the north or east side of a road allowance in a township defined in clause *b* of section 42 shall measure the width of the road allowance shown on the original plan and field notes from the section line on the south or west side, as the case may be, of the road allowance. *New.*

45. A surveyor in establishing a corner of a section or quarter section shown on the original plan and field notes on a section line not surveyed in the original survey in a township defined in clause *b* of section 42 shall proceed as follows:

- (a) If the corner is a corner of a section, he shall measure the widths of the road allowances shown on the original plan and field notes from the two section corners of the adjacent sections on the opposite sides of the road allowances.
- (b) If the corner is a corner of a quarter section, he shall measure the width of the road allowance as shown on the original plan and field notes from the opposite quarter section corner on the other side of the road allowance and join a straight line between that quarter section corner and the opposite quarter section corner on the section line at the other side of the section. *New.*

46. The interior boundaries of half sections or quarter sections shall be surveyed by connecting the opposite quarter section corners on the boundaries of the section by straight lines. R.S.O. 1950, c. 381, s. 33, cl. (e), *amended.*

47.—(1) The aliquot part of a quarter section in a sectional township with sections and quarter sections is the aliquot part of the frontage or the depth between the quarter section corners whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

(2) The aliquot part of a half section in a sectional township with sections and quarter sections is the aliquot part of the frontage or depth between the quarter section corners of the quarter sections forming the half section whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. *New.*

(3) The interior boundaries of an aliquot part of a quarter section shall be surveyed by connecting by straight lines the points on the boundaries of the quarter section determined in accordance with this section. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

PART VIII

MUNICIPAL AND CROWN RE-SURVEYS

Application
for survey
in a muni-
cipality

R.S.O. 1950,
cc. 197, 336

Confirma-
tion of
survey

Cost of
survey

Filing of
plans and
field notes

48.—(1) The council of a municipality or the board of trustees of an improvement district, upon its own motion, may, or upon the petition of one-half of the landowners affected shall, pass a by-law authorizing an application to the Minister to cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that is in the municipality and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act*. R.S.O. 1950, c. 381, ss. 13, 14 (1), 15 (1), *amended*.

(2) The Minister shall appoint and instruct a surveyor to make the survey for which an application has been made under subsection 1 and when the survey has been made and the plan and field notes have been examined by the Minister, the Minister shall cause a notice to be published once in each week for four consecutive weeks in a newspaper having general circulation in the municipality in which the survey has been made of a hearing to be held by him at a stated place on a day not fewer than ten days after the last publication of the notice at which hearing the survey will be considered and any interested persons will be heard, and upon the evidence submitted the Minister may direct such amendments to be made as he deems necessary and may confirm the position of the disputed or lost line, boundary or corner fixed by the survey, and any line, boundary or corner so confirmed is an unalterable line, boundary or corner and is final and conclusive and shall not be questioned in any court. R.S.O. 1950, c. 381, s. 16 (1), *amended*.

(3) Subject to section 50, the cost of a survey under subsection 2 shall be paid to the surveyor making the survey by the municipality making the application therefor upon notice in writing by the Minister to the municipality that the survey has been made, and the municipality may levy all or any part of such cost on the landowners affected by the survey in proportion to the benefit received as determined by by-law of the municipality and collect the same as taxes. R.S.O. 1950, c. 381, ss. 14 (2, 3), 17 (1), *amended*.

(4) A copy of the plan and field notes of a survey confirmed under subsection 2 shall be lodged by the Minister with the proper master of titles or registrar of deeds and another copy with the clerk of the municipality that made the application under subsection 1. R.S.O. 1950, c. 381, s. 16 (2), *amended*.

49.—(1) The Minister upon the application of an owner or owners of land that is situate in territory without municipal organization and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act* may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner.

Application for survey in unorganized territory

R.S.O. 1950, cc. 197, 336

(2) Subject to section 50, the cost of a survey under subsection 1 shall be paid by the owner or owners making application therefor upon notice by the Minister that the survey has been made.

Cost of survey

(3) Subsections 2 and 4 of section 48 apply *mutatis mutandis* to a survey made under this section. R.S.O. 1950, c. 381, s. 20, *amended*.

Confirmation of survey

50. The Minister may pay all or any part of the cost of a survey under section 48 or 49 out of the moneys that are appropriated by the Legislature for ground surveys. R.S.O. 1950, c. 381, s. 17 (2), *amended*.

Cost of survey may be paid by Province

51.—(1) The Minister may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that was surveyed under competent authority, and in any such case the Minister may direct that subsections 2 and 4 of sections 48 apply *mutatis mutandis*.

Crown re-survey

(2) Where a survey similar to a survey under subsection 1 was made under the instructions of the Minister before the 1st day of June, 1947, the Minister may, upon compliance with the requirements as to publication of notice and the holding of a hearing set forth in subsection 2 of section 48, confirm the survey and such confirmation has the like force and effect as a confirmation under the said subsection. R.S.O. 1950, c. 381, s. 18, *amended*.

Confirmation of Crown re-surveys

PART IX

PLANS OF SUBDIVISION

52. In this Part, "plan of subdivision" means a plan of subdivision that is registered under *The Land Titles Act* or under *The Registry Act*. *New*.

Interpretation

53. Every line, boundary and corner established by survey and shown on a plan of subdivision is a true and unalterable line, boundary or corner, as the case may be, with respect to such plan and shall be deemed to be defined by the original

True and unalterable line, boundary and corner

posts or blazed trees in the first survey thereof, whether or not the actual measurements between the original posts are the same as shown on the plan of subdivision or expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 11 (1), *amended*.

Re-estab-
lishment
of lost
corners,
etc.

54. A surveyor in re-establishing a line, boundary or corner shown on a plan of subdivision shall obtain the best evidence available respecting the line, boundary or corner, but if the line, boundary or corner cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If a part of a line or boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner shown on the plan of subdivision.
- (b) If a corner on a line or boundary is lost, he shall re-establish it by the method that accords with the intent of the survey as shown on the plan of subdivision and, if it is consistent with the intent of the survey as shown on the plan of subdivision, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as shown on the plan of subdivision having due regard for any road allowance, highway, street, lane, walk or common shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 11 (3), *amended*.

Survey
posts,
monuments,
etc.

55.—(1) Every exterior angle of a parcel of land being subdivided and one angle of each street intersection being laid out shall be defined in the survey thereof by,

- (a) an iron bar one inch square and four feet long driven into the ground so that the top is flush with the ground level, which bar shall be known as a standard iron bar and may be designated by the initials S.I.B.; or
- (b) a stone or reinforced concrete monument five inches square at the top, eight inches square at the base and not less than three feet six inches in length planted so that the top is flush with the ground level; or
- (c) in the case of exposed solid rock, an iron bolt one inch square and three inches long cemented or leaded into the rock so that the top is flush with the rock level,

but where the nature of the location is such that it is impracticable to comply fully with this subsection, the angle shall be defined in a manner that represents substantial compliance therewith. R.S.O. 1950, c. 381, s. 12 (1, 3), *amended*.

(2) The position, type and form of every bar monument ^{Idem} and bolt driven, planted or set in accordance with subsection 1 shall be shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 12 (4), *amended*.

(3) Every bearing shown on a plan of subdivision shall ^{Bearings} be referred to one reference line designated on the plan and the course of such reference line shall be the true bearing and shall be determined by astronomic observation or other satisfactory method. R.S.O. 1950, c. 381, s. 12 (2), *amended*.

56.—(1) Subject to *The Land Titles Act* or *The Registry Act* as to the amendment or alteration of plans, every road ^{Public roads, etc.} allowance, highway, street, lane, walk and common shown on a plan of subdivision shall be deemed to be a public road, ^{R.S.O. 1950, cc. 197, 336} highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 11 (2), *amended*.

(2) Where under subsection 1 a road allowance, highway, ^{Road allowance closed} street, lane or walk in a municipality is a public highway but the municipality has not assumed it for public use and it or any part of it is closed by an alteration of the plan under *The Land Titles Act*, *The Registry Act* or other provisions in that behalf, it or the part of it so closed belongs to the owners of the land abutting thereon. R.S.O. 1950, c. 381, s. 11 (4), *amended*.

(3) Where several parcels of land having different owners ^{Different owners} abut on the road allowance, highway, street, lane or walk or the part thereof so closed, the owner of each parcel is entitled to the part so closed on which his land abuts to the middle line of the road allowance, highway, street, lane or walk or the part thereof so closed. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

(4) Where a part of the road allowance, highway, street, ^{Where public way abuts} lane or walk so closed is abutted on one side by another road allowance, highway, street, lane or walk or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part belongs to the owners whose lands abut thereon opposite the road allowance, highway, street, lane, walk, stream, river or other body of water. R.S.O. 1950, c. 381, s. 11 (6), *amended*.

Side
lines

(5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed or across the same in cases coming within subsection 4 is the division line between the parts so closed to which the owners of the parcels are respectively entitled. R.S.O. 1950, c. 381, s. 11 (7), *amended*.

Several
owners

(6) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is owned by more than one person, each such owner is entitled to the like estate or interest in the part so closed as he has in the parcel abutting thereon. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

Where
parcel
encumbered

(7) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is encumbered, the encumbrance extends to and includes the part thereof to which the owner of such parcel becomes entitled under this section. R.S.O. 1950, c. 381, s. 11 (8), *amended*.

Duty to
convey

(8) Where a road allowance, highway, street, lane or walk is so closed, the municipality in which the same was vested shall execute a conveyance to each owner of the part that belongs to him under this section, and the municipality shall register the conveyance in the proper land titles or registry office and shall bear the cost of preparing and registering it. R.S.O. 1950, c. 381, s. 11 (9, 10), *amended*.

PART X

SURVEYS OF LAND UNDER THE HIGHWAY IMPROVEMENT ACT

True and
unalterable
boundaries

1957, c. 43

57. All posts and monuments heretofore or hereafter marked, placed or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under *The Highway Improvement Act, 1957* or a predecessor thereof are true and unalterable and fix the boundaries of such parcel, whether or not the actual measurements between the posts or monuments are the same as shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel and whether or not such parcel remains vested in the Crown. 1957, c. 120, s. 2, *amended*.

PART XI

MISCELLANEOUS

58. The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended.* Aliquot parts of parcels

59. The Minister may assign any of the powers or duties conferred or imposed upon him by this Act to the Surveyor General. *New.* Delegation of Minister's powers, etc.

60. The Lieutenant-Governor in Council may make regulations prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them. *New.* Regulations

61. Section 3 of *The Surveys Act*, being chapter 232 of the Revised Statutes of Ontario, 1937, *The Surveys Act*, being chapter 381 of the Revised Statutes of Ontario, 1950, and *The Surveys Amendment Act, 1957* are repealed. R.S.O. 1937, c. 232, s. 3; R.S.O. 1950, c. 381; 1957, c. 120, repealed

62. This Act comes into force on the 1st day of January, 1959. Commencement

63. This Act may be cited as *The Surveys Act, 1958.* Short title

The Surveys Act, 1958

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
The Surveys Act, 1958

MR. MAPLEDORAM

(Reprinted as amended by the Committee of the Whole House)

CONTENTS

		SECTION	PAGE
	Interpretation.....	1	1
PART I	General.....	2-12	3
PART II	Front and Rear Townships.....	13-16	6
PART III	Single Front Townships.....	17-23	7
PART IV	Double Front Townships.....	24-30	12
PART V	Sectional Townships with Double Fronts.....	31-36	18
PART VI	Sectional Townships with Single Fronts	37-41	26
PART VII	Sectional Townships with Sections and Quarter Sections.....	42-47	31
PART VIII	Municipal and Crown Re-surveys....	48-51	34
PART IX	Plans of Subdivision.....	52-56	35
PART X	Surveys of Land under The Highway Improvement Act.....	57	38
PART XI	Miscellaneous.....	58-63	39

EXPLANATORY NOTE

The laws governing surveys in Ontario are as old as its history. The first revision of these laws was made in 1849 and the most recent in 1920.

Three different systems of surveying townships were in use before 1829 and three other systems have been followed since that time.

The 1920 Act, which is in force at the present time, did not deal separately with each of these six systems with the result that difficulty is experienced in determining the proper method to be followed in any particular system.

This bill, which has been prepared over a period of years by the Association of Ontario Land Surveyors and the Surveyor General, does not change the basic principles of the present Act but it extends these principles and deals with each system separately and completely even though this results in some repetition. It is felt that this method will make the Act more readily understandable, bringing about greater certainty in surveying practices and reduce the work of surveys.

The bill provides another feature which it is felt will be of great assistance to practising surveyors. Regulations will be made illustrating and complementing by words and sketches the many difficult and highly technical procedures set out in the Act.

BILL

The Surveys Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "ascertainable point" means a point found or re-established in its original position on a line or boundary established during the original survey or on a line or boundary established during the survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*; R.S.O. 1950,
cc. 197, 336
- (b) "broken concession" means a concession any boundary of which is broken in whole or in part by a lake or river;
- (c) "broken lot" means an irregular lot or a regular lot whose area is diminished or increased by a natural or artificial feature shown on the original plan;
- (d) "competent authority" means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land which was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made;
- (e) "concession" means a tier of township lots; *New.*
- (f) "Department" means Department of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (a).
- (g) "irregular lot" means a township lot whose boundaries according to the original plan do not conform

within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

- (*h*) "land" includes land covered with water;
- (*i*) "last ascertainable side line" means a line in a broken concession established from the front of the concession on the course of a side line of a lot from the lot corner nearest to the end of the part of the concession so broken;
- (*j*) "lost corner" means a corner established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original post no longer exists or never existed and which cannot be re-established from the field notes of either of such surveys or by evidence under oath; *New*.
- (*k*) "Minister" means Minister of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (*b*).
- (*l*) "obliterated boundary" means a boundary established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original posts or blazed trees no longer exist and which cannot be re-established from the field notes of either of such surveys or by evidence under oath;
- (*m*) "original plan" means a plan certified by the Surveyor-General as being the original plan of an original survey;
- (*n*) "original post" means any object that defines a point and that was placed, planted or marked during the original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*;
- (*o*) "original survey" means a survey made under competent authority;
- (*p*) "proof line" means a line surveyed across one or more concessions in the original survey of a single front township or of a double front township to govern the course of a side line of a lot; *New*.
- (*q*) "regular lot" means a township lot whose boundaries according to the original plan conform within one degree to the bearings shown for the correspond-

R.S.O. 1950,
cc. 197, 336

ing boundaries of the majority of the lots in the tier in which the lot occurs; R.S.O. 1950, c. 381, s. 1, cl. (d), *amended*.

(r) "surveyor" means Ontario land surveyor registered under *The Land Surveyors Act*; R.S.O. 1950, c. 381, ^{R.S.O. 1950, c. 196} s. 1, cl. (c), *amended*.

(s) "unbroken lot" means a regular lot whose area is not diminished or increased by a natural or artificial feature shown on the original plan; R.S.O. 1950, c. 381, s. 1, cl. (e), *amended*.

(t) "undisputed corner" means a corner of a parcel of land at which the original post exists, or a corner established under this Act or any predecessor of this Act. R.S.O. 1950, c. 381, s. 1, cl. (f), *amended*.

PART I

GENERAL

2. No survey of land for the purpose of defining, locating or describing any line, boundary or corner of a parcel of land is valid unless made by a surveyor or under the personal supervision of a surveyor. R.S.O. 1950, c. 381, s. 2, *amended*. ^{Validity of surveys}

3. All lines, boundaries and corners established under the authority of any Act heretofore or hereafter in force remain valid and all other things done under any such authority and in conformity therewith remain valid notwithstanding the repeal of such authority. R.S.O. 1937, c. 232, s. 3, *amended*. ^{Lines, etc., remain valid}

4.—(1) Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall keep a proper record and index of all such field notes and shall exhibit or give copies of the same to any surveyor for a reasonable charge. ^{Duty to keep field notes, etc.}

(2) Where a surveyor has died and no arrangements have been made within six months of his death to place his field notes, records and indices in the custody of a surveyor in active practice, the secretary-treasurer of the Association of Ontario Land Surveyors shall cause such field notes, records and indices to be delivered by the personal representative of the deceased surveyor to the Minister who shall hold them for the benefit of the estate for a period not exceeding five years, and upon the expiry of that period such field notes, records and indices become the property of the Crown and may be disposed of by the Minister in any manner he deems proper. ^{Disposition of notes of deceased surveyor}

To be
deemed
public
documents

(3) So long as such field notes, records and indices are in the possession of the Minister, he shall exhibit or give copies of the same to any person for a reasonable charge. R.S.O. 1950, c. 381, s. 3, *amended*.

Chainman's
oath

5. A surveyor may at any time require a chainman or any other person in his employ to take an oath in writing to act justly and exactly according to the best of his judgment and ability and to render a true account of his work to the surveyor, which oath the surveyor is hereby authorized to administer. R.S.O. 1950, c. 381, s. 5, *amended*.

Right to
enter land,
buildings

6.—(1) A surveyor or a person in his employ while making a survey may,

(a) at any time enter and pass over the land of any person; or

(b) at any time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the survey, but the surveyor is liable for any damage occasioned thereby. R.S.O. 1950, c. 381, s. 6 (1, 2), *amended*.

Penalty
for
obstructing

(2) Every person who interferes with or obstructs a surveyor or a person in his employ in the exercise of any of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 381, s. 6 (3), *amended*.

Examination
under oath

7.—(1) A surveyor may examine under oath any person concerning a line, boundary, corner or post to assist him in ascertaining its true position.

Record of
evidence

(2) The surveyor may cause the evidence so taken to be put in writing in the form of a statement under oath.

Subpoena

(3) Where the surveyor has reason to believe that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position or has a writing, plan or document concerning a line, boundary, corner or post and such person has refused to give the information or to produce the writing, plan or document to the surveyor while being examined under subsection 1, a judge of a county or district court, upon application of the surveyor, may order a subpoena to issue out of the court of which he is a judge commanding such person to appear before the surveyor at the time and place specified in the subpoena and to bring with him any writing, plan or document specified therein.

(4) The subpoena shall be served personally on the person named in it and he shall be tendered his reasonable expenses. Service of subpoena

(5) Every person who is served with a subpoena under this section and who has been tendered his reasonable expenses and who fails to appear before the surveyor in accordance with the subpoena or who fails to produce any writing, plan or document specified in the subpoena or to give such information as he has respecting the line, boundary, corner or post in question is guilty of contempt of the court out of which the subpoena issued. Penalty for failure to obey subpoena

(6) A surveyor may administer oaths for any of the purposes of this section. R.S.O. 1950, c. 381, ss. 7, 8, *amended*. Power to administer oaths

8. Every base line and meridian line surveyed under the instructions of the Minister before the 28th day of March, 1956, that is shown on the original plan thereof shall be deemed to have been made by competent authority and is true and unalterable and shall be deemed to be defined by the original posts or blazed trees in the survey thereof. *New*. True and unalterable base lines and meridian lines

9. Notwithstanding section 57, every line, boundary and corner established by an original survey and shown on the original plan thereof is a true and unalterable line, boundary or corner, as the case may be, and shall be deemed to be defined by the original posts or blazed trees in the original survey thereof, whether or not the actual measurements between the original posts are the same as shown on the original plan and field notes or mentioned or expressed in any grant or other instrument, and every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 9 (1, 2), *amended*. True and unalterable lines, etc.

10. A surveyor in establishing or re-establishing a line, boundary or corner surveyed under competent authority and shown on the original plan thereof, other than a township subdivision plan, shall be governed by sections 53 and 54. R.S.O. 1950, c. 381, s. 9 (3), *amended*. Methods governing plans, other than township subdivision plans

11.—(1) Where a lake or river is shown on an original plan of Crown lands and a parcel of land shown thereon is given an acreage covering the land area only, such parcel of land does not include any land covered by the water of the lake or river. Where land covered by water not included

(2) Subsection 1 does not affect the rights of any person where such rights were determined by a court before the 8th day of July, 1913. R.S.O. 1950, c. 381, s. 29 (4, 5), *amended*. Certain rights not affected

Lands in township concessions included in same grant

12. Where the Crown has conveyed a parcel of land composed of two or more township lots or parts of lots in concessions adjoining each other by an instrument that contains a metes and bounds description of the parcel prepared from an original plan, the side lines or limits of such lots or parts of lots surveyed in accordance with this Act or any predecessor of this Act constitute the side lines or limits of the parcel. R.S.O. 1950, c. 381, s. 31, *amended*.

PART II

FRONT AND REAR TOWNSHIPS

Interpretation

13.—(1) In this Part, “front and rear township” means a township where the usual practice in the original survey was to survey the township boundaries, the base lines, if any, and the side lines of the lots and to establish the corners of the lots. *New*.

Re-establishment of lost corners, etc.

(2) A surveyor in re-establishing a lost corner, an obliterated boundary or an obliterated side line of a lot in a front and rear township shall obtain the best evidence available respecting the corner, boundary or side line, but if the corner, boundary or side line cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister, who shall instruct him how to proceed. *New*.
- (b) If a part of the township boundary or a base line is obliterated, he shall re-establish the township boundary or the base line by joining the nearest ascertainable points thereof as intended in the original survey.
- (c) If a side line or part thereof is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey, and if an end of a side line is obliterated, he shall re-establish such end by measuring along the township boundary or base line in the manner in which such measurement was made as shown on the original plan and field notes.
- (d) If the lost corner is a corner of a lot, he shall determine the distance along the side line between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey. R.S.O. 1950, c. 381, s. 34 (1, 2), *part, amended*.

14. A boundary of a lot shown on the original plan of a front and rear township that was not surveyed in the original survey is the straight line between the two corners of such lot. ^{Unsurveyed boundaries} R.S.O. 1950, c. 381, s. 34 (1), *part, amended.*

15. The front of a concession in a front and rear township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered, but in the case of a township in which the concessions are not numbered or lettered, the front of a concession is the boundary of the concession that is nearest the boundary of the township or the base line along which the width of the first lot was measured. ^{Fronts of concessions} *New.*

16.—(1) The aliquot part of a lot in a front and rear township is the aliquot part of the area of the lot, whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Aliquot parts of lots} R.S.O. 1950, c. 381, s. 29 (2), *amended.*

(2) The boundaries of an aliquot part of a lot in a front and rear township, of which lot no aliquot part was surveyed before the 1st day of January, 1959, shall be surveyed on the astronomic course intended in the original survey for the side lines of such lot or on the astronomic course intended for the base line of the township, as the case may be. ^{Boundaries of aliquot parts} *New.*

PART III

SINGLE FRONT TOWNSHIPS

17.—(1) In this Part, "single front township" means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and the base lines, if any, and the concession lines for the fronts of the concessions and to establish the lot corners on the front of each concession. ^{Interpretation} *New.*

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a single front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows: ^{Re-establishment of lost corners, etc.}

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New.*

- (b) If the lost corner is a corner of a lot on a township boundary or on the front of a concession, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-4), *part, amended.*
- (e) If the front line of a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on the front of a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along the front of the concession the distance shown on the original plan and field notes from the last undisputed corner. *New.*

Fronts of
concessions

18. The front of a concession in a single front township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1950, c. 381, s. 24, *part, amended.*

Concession
line not
surveyed or
obliterated

19. Where in a single front township the whole of the front boundary of a concession was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such front boundary in whole or in part shall establish or re-establish such boundary to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended.*

Concession
not surveyed
in original
township,
side lines
established

20. Where the front of a concession in a single front township was not surveyed in the original survey, the side lines of the lots in such concession shall be surveyed from the corners

of the lots on the front of the concession to the rear thereof to the depth of the concession, that is, to the proportionate depth intended in the original survey as shown on the original plan and field notes having due regard for any road allowance made in the original survey, and the straight line joining the ends of the lot lines so surveyed is the boundary of such concession. R.S.O. 1950, c. 381, s. 24, *part, amended*.

21. A surveyor in establishing in a concession in a single front township a side line of a lot that was not surveyed in the original survey shall proceed as follows: ^{Establishment of side lines}

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the front boundary of the concession as shown on the original plan and field notes, or, if parts of the front boundary of the

concession have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the front boundary of the concession as the Minister directs.

- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.
- (f) If the concession is wholly broken in front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots in the broken front concession, he shall establish the side lines in such broken front concession in accordance with this section from the corners of the lots on the front boundary of the concession in the rear thereof to the lake or river.
- (g) If the concession is partly broken in front at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from the points on the rear boundary of the concession determined by dividing proportionately as intended in

the original survey the distance between the end of the concession and the intersection of the last ascertainable side line with the rear of the concession as shown on the original plan, but where such end of the concession is wholly bounded by a lake or river and no measurement was made in the original survey along the rear of the concession to the lake or river, he shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear boundary the widths of the lots as intended in the original survey from the intersection of the last ascertainable side line.

- (h) If the concession is partly broken in front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines on both sides of the lake or river with the rear boundary of the concession. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

22.—(1) The aliquot part of a lot in a single front town-ship is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended*. Aliquot parts described

(2) The boundaries of an aliquot part of a lot in a single front township of which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the lot is broken on its front at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the front of the concession as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*. Boundaries

Governing
course for
side lines

23.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a single front township for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the front and rear ends of the boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a single front township for the purpose of measuring an angle with such front to establish a side line of a lot shall determine the course of the straight line joining the ends of such front, but where the front of the concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART IV

DOUBLE FRONT TOWNSHIPS

Interpre-
tation

24.—(1) In this Part, "double front township" means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and base lines, if any, and the concession lines forming the front boundaries of the half lots and to establish the front corners of the half lots. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a double front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a lot on a township boundary or on a concession line, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the

opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-5), *amended*.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.
- (e) If the concession line forming the front boundary of the half lots in a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on a concession line forming the front boundary of the half lots in a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along such concession line the distance shown on the original plan and field notes from the last undisputed corner.
New.

25. The front boundary of a half lot in a double front township is the boundary of the half lot that abuts the road allowance between two concessions made in the original survey, or, where a concession is broken by a lake or river, the front boundary of a half lot is the original shore of the lake or river opposite the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.

26. Where in a double front township the whole of the concession line forming the front boundary of the half lots was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such concession line in whole or in part shall establish or re-establish such concession line to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended*.

Establish-
ment of rear
boundaries

27. A surveyor in establishing the rear boundaries of half lots in a concession in a double front township shall proceed as follows without reference to the description contained in any grant or other instrument:

- (a) If the concession is unbroken on both fronts by a lake or river, he shall join by straight lines the midway points of the side lines of the lots and their production through the concession. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.
- (b) If the concession is broken on either or both fronts by a lake or river but the fronts of the concession are not wholly broken at either or both ends, he shall join by a straight line the midway points of the last ascertainable side line and its production through the concession at each end of the broken front.
- (c) If the concession is wholly broken on both fronts at either end of the concession by a lake or river but not broken on both fronts throughout the entire concession, he shall establish the midway point of the last ascertainable side line and its production through the concession and from this point he shall establish the rear boundary of the half lots on both fronts of the concession on the astronomic course intended in the original survey.
- (d) If the concession is broken at its end on one of the fronts of the half lots by a lake or river but not so broken on the rear boundaries of such half lots, he shall establish the midway point of the last ascertainable side line of the half lots so broken and its production through the concession and from such midway point join a straight line to a point on the township boundary determined by measuring along that boundary the distance intended in the original survey from the unbroken front of the concession. *New*.

Establish-
ment of
side lines

28. A surveyor in establishing in a concession in a double front township a side line of a half lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line

on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at that end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the concession line as shown on the original plan and field notes, or, if parts of the concession line have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the concession line as the Minister directs.
- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he

shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

- (f) If the concession is wholly broken on one front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots, he shall establish the side lines of the broken half lots according to this section from the rear corners of the half lots on the unbroken front of the concession.
- (g) If the concession is wholly broken on both fronts at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by measuring along the rear boundaries of the half lots the widths of the half lots as intended in the original survey from the intersections of the last ascertainable side lines of the half lots with the rear boundaries of the half lots.
- (h) If the concession is partly broken on one front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the width in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines of the half lots on both sides of the lake or river with the rear boundaries of the half lots.
- (i) If the concession is partly broken on either front at either end but not broken at the end of the rear

boundary of the half lots by a lake or river and no posts were planted in the original survey on the bank of such lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the last ascertainable side line of the half lot on the front of the concession so broken.

- (j) If the concession is partly broken on either front at either end by a lake or river and also broken at the end of the rear boundary of the half lots and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of the broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by measuring along such rear boundary the widths of the broken half lots as intended in the original survey from the intersection of the last ascertainable side line of the half lot on the front of the concession so broken. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

29.—(1) The aliquot part of a half lot in a double front township is the aliquot part of the area of the half lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*. Aliquot parts described

(2) The boundaries of an aliquot part of a half lot in a double front township of which half lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the half lot, as the case may be, but where in such latter case the front of the half lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the half lot, and where the rear boundary of the half lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the half lot as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended in the original survey for the front of the half lot. R.S.O. 1950, c. 381, s. 29 (3), *amended*. Boundaries

Governing
course for
side lines

30.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a double front township for the purpose of surveying a side line of a half lot shall determine the course of the straight line joining the front and rear ends of such boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a double front township for the purpose of measuring an angle with such front to establish a side line of a half lot shall determine the course of the straight line joining the ends of such front, but where the front of a concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART V

SECTIONAL TOWNSHIPS WITH DOUBLE FRONTS

Interpre-
tation

31.—(1) In this Part, "sectional township with double fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of sections defining section boundaries and to establish the front corners of the lots and the section corners. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with double fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

- (c) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (d) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes not as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not on a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sec-

tions are lost, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section on opposite sides of the concession line.

- (f) If the lost corner is the corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not in a straight line, and the side lines between such sections and adjacent sections on the opposite sides of the concession line are shown on the original plan and field notes as not in a straight line and the section corners of the adjacent sections on the concession line are lost, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on a front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance, opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.
- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-5), 30, *amended*.

- (j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.
- (k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New.*

(3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any Application corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

32. The front of a concession in a sectional township with double fronts is the boundary of the concession that abuts the road allowance between two concessions shown on the original plan or, where a concession is broken by a lake or river, that is nearest the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 27, *part, amended.* Fronts of concessions

33. A surveyor in establishing the rear boundary of a concession in a sectional township with double fronts shall proceed as follows: Establishment of rear boundaries of concessions

- (a) If the two concessions in a section are unbroken by a lake or river on their fronts, he shall, if intended in the original survey, join by straight lines the midway points of the side lines of the lots and their productions through the section.
- (b) If the two concessions in a section are broken by a lake or river on either or both of their fronts but the fronts of the two concessions are not wholly broken at either or both ends of the section, he shall, if intended in the original survey, join by a straight line the midway points between the fronts of the two concessions on the last ascertainable side line in the section at each end of the broken front.
- (c) If one of the concessions in a section is broken by a lake or river on its front at either or both ends of the section but not broken through the entire section, he shall join by a straight line a point on the broken side line of the section determined by

measuring the distance shown on the original plan and field notes from the unbroken front and the midway point between the fronts of the two concessions on the last ascertainable side line in the section at the end of the broken front.

- (d) If one of the concessions in a section is wholly broken by a lake or river on its front, he shall measure the distance shown on the original plan and field notes along the side lines of the lots from the front of the unbroken concession.
- (e) If one of the concessions in a section is partly or wholly broken by a lake or river on its front and at either or both ends of the section and the other concession in the section is partly or wholly broken by a lake or river at either or both ends of the section and partly broken on its front, he shall establish the rear boundary of the concessions so broken on their fronts on the astronomic course intended in the original survey from a point determined by measuring the distance shown on the original plan and field notes from the unbroken part of the front of such concession along the last ascertainable side line in that concession at the end of the broken front.
- (f) If both concessions in a section are wholly broken by a lake or river on their fronts and no posts were planted in the original survey to establish the rear boundaries of such concessions, he shall establish the rear boundary of such concessions on the astronomic course intended in the original survey from a point established on the limit of the section nearest to the end from which the lots are numbered midway between the section corners. *New.*

Establish-
ment of
side lines

34. A surveyor in establishing in a concession in a sectional township with double fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) Where any such township was surveyed under the 1,000-acre or 1,800-acre sectional system and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course

shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

- (b) Where any such township was surveyed under any sectional system other than the 1,000-acre or 1,800-acre sectional system and if it was intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes. R.S.O. 1950, c. 381, s. 22 (1, 2), *amended*.
- (c) If the fronts of either or both concessions in a section are partly or wholly broken by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of such broken lots in accordance with this section from points on the section limit fronting each concession determined by dividing proportionately as intended in the original survey the distance between the two nearest undisputed lot corners in the section, one being on either side of the side line of the broken lot to be established. R.S.O. 1950, c. 381, s. 19 (1), *amended*.
- (d) If one of the concessions in a section is wholly broken by a lake or river on its front and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of

the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such a concession in accordance with this section from the rear corners of the lots in the concession to the rear thereof.

- (e) If both concessions in a section are wholly broken by a lake or river on their fronts and wholly broken at one end of the section and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such concessions in accordance with this section from points on the rear concession line determined by measuring along the rear concession line the distance intended in the original survey from the section limit at the end of the section that is not wholly broken.
- (f) If one of the concessions in a section is broken at either end but not wholly broken on its front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of any such broken lot in accordance with this section from the rear corners of the lots of the concession to the rear.
- (g) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New.*

35.—(1) Where the whole or a part of any lot in a sectional township with double fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Aliquot parts

(2) Where the whole or a part of a broken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. Idem

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended in the original survey for the front of the concession. Boundaries of aliquot parts

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. Idem
R.S.O. 1950, c. 381, s. 29 (1-3), *amended*.

Governing
course for
side lines

36. A surveyor in establishing the course of a boundary line of a section in a sectional township with double fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*.

PART VI

SECTIONAL TOWNSHIPS WITH SINGLE FRONTS

Interpre-
tation

37.—(1) In this Part, "sectional township with single fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of the sections and to establish the front corners of the lots and the section corners. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with single fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.
- (c) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart,

he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and joining with a straight line the nearest ascertainable points on the concession line.

- (d) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession are shown on the original plan and field notes not as a straight line, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section.
- (f) If the lost corner is the corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite sides of the concession line are shown on the original plan and field notes not as a straight line, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on the front of a concession, he shall determine the distance between the two nearest undisputed corners

in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-4), 30, *amended*.
- (j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.
- (k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New*.

Application

- (3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

Fronts of concessions

38. The front of a concession in a sectional township with single fronts is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. *New*.

Establishment of side lines

39. A surveyor in establishing in a concession in a sectional township with single fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the astronomic course for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, but where the side line of such section

is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course of the side line of the section at the other end of such section, but where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course shown on the original plan and field notes.

- (b) If the front of a concession in a section is partly or wholly broken by a lake or river and no post was planted in the original survey on the bank of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from a point on the section limit fronting the concession determined by dividing proportionately as intended in the original survey the distance between the corners of the section.
- (c) If the front of a concession in a section is wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from the front corner of the lots in the concession to the rear thereof. R.S.O. 1950, c. 381, ss. 19 (1), 22 (1), 25 (1), *amended*.
- (d) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots and the original field notes do not show that a survey line was run in the original survey to regulate the widths in front of the broken lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New*.

Aliquot
parts

40.—(1) Where the whole or a part of any lot in a sectional township with single fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Idem

(2) Where the whole or a part of a broken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Boundaries
of aliquot
parts

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended in the original survey for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Idem

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of

the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

41. A surveyor in establishing the course of a boundary line of a section in a sectional township with single fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*. Governing
course for
side lines

PART VII

SECTIONAL TOWNSHIPS WITH SECTIONS AND QUARTER SECTIONS

42. In this Part, "sectional township with sections and quarter sections" means, Interpre-
tation

- (a) a township divided into sections and quarter sections without road allowances between sections where the usual practice in the original survey was to survey the township boundaries and section lines and to establish the section corners and quarter section corners; or
- (b) a township divided into sections and quarter sections with road allowances between sections where the usual practice in the original survey was to survey the township boundaries and the section lines on the west and south sides of the road allowances and to establish the section corners and the quarter section corners on the surveyed lines. *New.*

43.—(1) Every road allowance between sections of sectional townships surveyed under instructions of the Department of Interior of Canada is one chain wide and every such road allowance lies north and east of the south and west sides of the road allowance as surveyed in the original survey. R.S.O. 1950, c. 381, s. 32 (2), *amended*. Widths of
certain road
allowances

(2) The strips of land formerly forming parts of the original road allowances mentioned in subsection 1 are detached therefrom and attached to and form part of the quarter section immediately adjoining the strips of land on the east and north thereof. R.S.O. 1950, c. 381, s. 32 (3), *amended*. Land
detached
from
original
road
allowances

(3) The section and quarter section corners established in the original survey of the townships mentioned in subsection 1 continue to be the governing points for the purpose of Original
section
and quarter
section
posts to
govern

re-establishing a lost corner or obliterated boundary of a section or quarter section and establishing section and quarter section corners not established in the original survey. R.S.O. 1950, c. 381, s. 32 (4), *amended*.

Re-establishment of lost corners and obliterated boundaries

44.—(1) A surveyor in re-establishing a lost corner or obliterated boundary surveyed in the original survey in a sectional township with sections and quarter sections with or without road allowances shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (b) If the lost corner is a corner of a section or quarter section on or along a township boundary, he shall determine the distance between the nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If the lost corner is a corner of a section on a section boundary in the interior of a township, he shall re-establish the corner by intersecting the straight lines joining the nearest ascertainable points on the adjoining intersecting section boundaries.
- (d) If the lost corner is a corner of a quarter section on a section boundary in the interior of a township, he shall re-establish the corner by joining the nearest ascertainable points on the section boundary and shall determine the distance between the section corners of the section in which the quarter section corner is lost and divide the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (e) If part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (f) If a part of a section boundary in the interior of a township is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (2, 4), 33, *part, amended*.

(2) A surveyor in establishing an original section line on the north or east side of a road allowance in a township defined in clause *b* of section 42 shall measure the width of the road allowance shown on the original plan and field notes from the section line on the south or west side, as the case may be, of the road allowance. *New.*

45. A surveyor in establishing a corner of a section or quarter section shown on the original plan and field notes on a section line not surveyed in the original survey in a township defined in clause *b* of section 42 shall proceed as follows:

- (a) If the corner is a corner of a section, he shall measure the widths of the road allowances shown on the original plan and field notes from the two section corners of the adjacent sections on the opposite sides of the road allowances.
- (b) If the corner is a corner of a quarter section, he shall measure the width of the road allowance as shown on the original plan and field notes from the opposite quarter section corner on the other side of the road allowance and join a straight line between that quarter section corner and the opposite quarter section corner on the section line at the other side of the section. *New.*

46. The interior boundaries of half sections or quarter sections shall be surveyed by connecting the opposite quarter section corners on the boundaries of the section by straight lines. R.S.O. 1950, c. 381, s. 33, cl. (e), *amended.*

47.—(1) The aliquot part of a quarter section in a sectional township with sections and quarter sections is the aliquot part of the frontage or the depth between the quarter section corners whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

(2) The aliquot part of a half section in a sectional township with sections and quarter sections is the aliquot part of the frontage or depth between the quarter section corners of the quarter sections forming the half section whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. *New.*

(3) The interior boundaries of an aliquot part of a quarter section shall be surveyed by connecting by straight lines the points on the boundaries of the quarter section determined in accordance with this section. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

PART VIII

MUNICIPAL AND CROWN RE-SURVEYS

Application
for survey
in a muni-
cipality

48.—(1) The council of a municipality or the board of trustees of an improvement district, upon its own motion, may, or upon the petition of one-half of the landowners affected shall, pass a by-law authorizing an application to the Minister to cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that is in the municipality and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act*. R.S.O. 1950, c. 381, ss. 13, 14 (1), 15 (1), *amended*.

R.S.O. 1950,
cc. 197, 336

Confirma-
tion of
survey

(2) The Minister shall appoint and instruct a surveyor to make the survey for which an application has been made under subsection 1 and when the survey has been made and the plan and field notes have been examined by the Minister, the Minister shall cause a notice to be published once in each week for four consecutive weeks in a newspaper having general circulation in the municipality in which the survey has been made of a hearing to be held by him at a stated place on a day not fewer than ten days after the last publication of the notice at which hearing the survey will be considered and any interested persons will be heard, and upon the evidence submitted the Minister may direct such amendments to be made as he deems necessary and may confirm the position of the disputed or lost line, boundary or corner fixed by the survey, and any line, boundary or corner so confirmed is an unalterable line, boundary or corner and is final and conclusive and shall not be questioned in any court. R.S.O. 1950, c. 381, s. 16 (1), *amended*.

Cost of
survey

(3) Subject to section 50, the cost of a survey under subsection 2 shall be paid to the surveyor making the survey by the municipality making the application therefor upon notice in writing by the Minister to the municipality that the survey has been made, and the municipality may levy all or any part of such cost on the landowners affected by the survey in proportion to the benefit received as determined by by-law of the municipality and collect the same as taxes. R.S.O. 1950, c. 381, ss. 14 (2, 3), 17 (1), *amended*.

Filing of
plans and
field notes

(4) A copy of the plan and field notes of a survey confirmed under subsection 2 shall be registered by the Minister with the proper master of titles or registrar of deeds and another copy with the clerk of the municipality that made the application under subsection 1. R.S.O. 1950, c. 381, s. 16 (2), *amended*.

49.—(1) The Minister upon the application of an owner or owners of land that is situate in territory without municipal organization and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act* may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner. Application for survey in unorganized territory R.S.O. 1950, cc. 197, 336

(2) Subject to section 50, the cost of a survey under subsection 1 shall be paid by the owner or owners making application therefor upon notice by the Minister that the survey has been made. Cost of survey

(3) Subsections 2 and 4 of section 48 apply *mutatis mutandis* to a survey made under this section. R.S.O. 1950, c. 381, s. 20, *amended*. Confirmation of survey

50. The Minister may pay all or any part of the cost of a survey under section 48 or 49 out of the moneys that are appropriated by the Legislature for ground surveys. R.S.O. 1950, c. 381, s. 17 (2), *amended*. Cost of survey may be paid by Province

51.—(1) The Minister may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that was surveyed under competent authority, and in any such case the Minister may direct that subsections 2 and 4 of sections 48 apply *mutatis mutandis*. Crown re-survey

(2) Where a survey similar to a survey under subsection 1 was made under the instructions of the Minister before the 1st day of June, 1947, the Minister may, upon compliance with the requirements as to publication of notice and the holding of a hearing set forth in subsection 2 of section 48, confirm the survey and such confirmation has the like force and effect as a confirmation under the said subsection. R.S.O. 1950, c. 381, s. 18, *amended*. Confirmation of Crown re-surveys

PART IX

PLANS OF SUBDIVISION

52. In this Part, "plan of subdivision" means a plan of subdivision that is registered under *The Land Titles Act* or under *The Registry Act*. *New*. Interpretation

53. Every line, boundary and corner established by survey and shown on a plan of subdivision is a true and unalterable line, boundary or corner, as the case may be, with respect to such plan and shall be deemed to be defined by the original True and unalterable line, boundary and corner

posts or blazed trees in the first survey thereof, whether or not the actual measurements between the original posts are the same as shown on the plan of subdivision or expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 11 (1), *amended*.

Re-establishment
of lost
corners,
etc.

54. A surveyor in re-establishing a line, boundary or corner shown on a plan of subdivision shall obtain the best evidence available respecting the line, boundary or corner, but if the line, boundary or corner cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If a part of a line or boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner shown on the plan of subdivision.
- (b) If a corner on a line or boundary is lost, he shall re-establish it by the method that accords with the intent of the survey as shown on the plan of subdivision and, if it is consistent with the intent of the survey as shown on the plan of subdivision, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as shown on the plan of subdivision having due regard for any road allowance, highway, street, lane, walk or common shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 11 (3), *amended*.

Survey
posts,
monuments,
etc.

55.—(1) Every exterior angle of a parcel of land being subdivided and one angle of each street intersection being laid out shall be defined in the survey thereof by,

- (a) an iron bar one inch square and four feet long driven into the ground so that the top is flush with the ground level, which bar shall be known as a standard iron bar and may be designated by the initials S.I.B.; or
- (b) a stone or reinforced concrete monument five inches square at the top, eight inches square at the base and not less than three feet six inches in length planted so that the top is flush with the ground level; or
- (c) in the case of exposed solid rock, an iron bolt one inch square and three inches long cemented or leaded into the rock so that the top is flush with the rock level,

but where the nature of the location is such that it is impracticable to comply fully with this subsection, the angle shall be defined in a manner that represents substantial compliance therewith. R.S.O. 1950, c. 381, s. 12 (1, 3), *amended*.

(2) The position, type and form of every bar monument ^{Idem} and bolt driven, planted or set in accordance with subsection 1 shall be shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 12 (4), *amended*.

(3) Every bearing shown on a plan of subdivision shall ^{Bearings} be referred to one reference line designated on the plan and the course of such reference line shall be the true bearing and shall be determined by astronomic observation or other satisfactory method. R.S.O. 1950, c. 381, s. 12 (2), *amended*.

56.—(1) Subject to *The Land Titles Act* or *The Registry* ^{Public roads, etc.} *Act* as to the amendment or alteration of plans, every road allowance, highway, street, lane, walk and common shown on ^{R.S.O. 1950, cc. 197, 336} a plan of subdivision shall be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 11 (2), *amended*.

(2) Where under subsection 1 a road allowance, highway, ^{Road allowance closed} street, lane or walk in a municipality is a public highway but the municipality has not assumed it for public use and it or any part of it is closed by an alteration of the plan under *The Land Titles Act*, *The Registry Act* or other provisions in that behalf, it or the part of it so closed belongs to the owners of the land abutting thereon. R.S.O. 1950, c. 381, s. 11 (4), *amended*.

(3) Where several parcels of land having different owners ^{Different owners} abut on the road allowance, highway, street, lane or walk or the part thereof so closed, the owner of each parcel is entitled to the part so closed on which his land abuts to the middle line of the road allowance, highway, street, lane or walk or the part thereof so closed. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

(4) Where a part of the road allowance, highway, street, ^{where public way abuts} lane or walk so closed is abutted on one side by another road allowance, highway, street, lane or walk or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part belongs to the owners whose lands abut thereon opposite the road allowance, highway, street, lane, walk, stream, river or other body of water. R.S.O. 1950, c. 381, s. 11 (6), *amended*.

Side lines (5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed or across the same in cases coming within subsection 4 is the division line between the parts so closed to which the owners of the parcels are respectively entitled. R.S.O. 1950, c. 381, s. 11 (7), *amended*.

Several owners (6) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is owned by more than one person, each such owner is entitled to the like estate or interest in the part so closed as he has in the parcel abutting thereon. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

Where parcel encumbered (7) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is encumbered, the encumbrance extends to and includes the part thereof to which the owner of such parcel becomes entitled under this section. R.S.O. 1950, c. 381, s. 11 (8), *amended*.

Duty to convey (8) Where a road allowance, highway, street, lane or walk is so closed, the municipality in which the same was vested shall execute a conveyance to each owner of the part that belongs to him under this section, and the municipality shall register the conveyance in the proper land titles or registry office and shall bear the cost of preparing and registering it. R.S.O. 1950, c. 381, s. 11 (9, 10), *amended*.

PART X

SURVEYS OF LAND UNDER THE HIGHWAY IMPROVEMENT ACT

True and unalterable boundaries

1957, c. 43

57. All posts and monuments heretofore or hereafter marked, placed or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under *The Highway Improvement Act, 1957* or a predecessor thereof are true and unalterable and fix the boundaries of such parcel, whether or not the actual measurements between the posts or monuments are the same as shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel and whether or not such parcel remains vested in the Crown. 1957, c. 120, s. 2, *amended*.

PART XI

MISCELLANEOUS

58. The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended.* Aliquot parts of parcels

59. The Minister may assign any of the powers or duties conferred or imposed upon him by this Act to the Surveyor General. *New.* Delegation of Minister's powers, etc.

60. The Lieutenant-Governor in Council may make regulations prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them. *New.* Regulations

61. Section 3 of *The Surveys Act*, being chapter 232 of the Revised Statutes of Ontario, 1937, *The Surveys Act*, being chapter 381 of the Revised Statutes of Ontario, 1950, and *The Surveys Amendment Act, 1957* are repealed. R.S.O. 1937, c. 232, s. 3; R.S.O. 1950, c. 381; 1957, c. 120, repealed

62. This Act comes into force on the 1st day of January, 1959. Commencement

63. This Act may be cited as *The Surveys Act, 1958.* Short title

The Surveys Act, 1958

1st Reading

February 19th, 1958

2nd Reading

February 28th, 1958

3rd Reading

MR. MAPLEDORAM

(Reprinted as amended by the
Committee of the Whole House)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
The Surveys Act, 1958

MR. MAPLEDORAM

BILL

The Surveys Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "ascertainable point" means a point found or re-established in its original position on a line or boundary established during the original survey or on a line or boundary established during the survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*; R.S.O. 1950,
c. 197, 336
- (b) "broken concession" means a concession any boundary of which is broken in whole or in part by a lake or river;
- (c) "broken lot" means an irregular lot or a regular lot whose area is diminished or increased by a natural or artificial feature shown on the original plan;
- (d) "competent authority" means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land which was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made;
- (e) "concession" means a tier of township lots; *New*.
- (f) "Department" means Department of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (a).
- (g) "irregular lot" means a township lot whose boundaries according to the original plan do not conform

within one degree to the bearings shown for the corresponding boundaries of the majority of the lots in the tier in which the lot occurs;

- (h) "land" includes land covered with water;
- (i) "last ascertainable side line" means a line in a broken concession established from the front of the concession on the course of a side line of a lot from the lot corner nearest to the end of the part of the concession so broken;
- (j) "lost corner" means a corner established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original post no longer exists or never existed and which cannot be re-established from the field notes of either of such surveys or by evidence under oath; *New*.
- (k) "Minister" means Minister of Lands and Forests; R.S.O. 1950, c. 381, s. 1, cl. (b).
- (l) "obliterated boundary" means a boundary established during an original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act* where the original posts or blazed trees no longer exist and which cannot be re-established from the field notes of either of such surveys or by evidence under oath;
- (m) "original plan" means a plan certified by the Surveyor-General as being the original plan of an original survey;
- (n) "original post" means any object that defines a point and that was placed, planted or marked during the original survey or during a survey of a plan of subdivision registered under *The Land Titles Act* or *The Registry Act*;
- (o) "original survey" means a survey made under competent authority;
- (p) "proof line" means a line surveyed across one or more concessions in the original survey of a single front township or of a double front township to govern the course of a side line of a lot; *New*.
- (q) "regular lot" means a township lot whose boundaries according to the original plan conform within one degree to the bearings shown for the correspond-

R.S.O. 1950,
cc. 197, 336

ing boundaries of the majority of the lots in the tier in which the lot occurs; R.S.O. 1950, c. 381, s. 1, cl. (d), *amended*.

- (r) "surveyor" means Ontario land surveyor registered under *The Land Surveyors Act*; R.S.O. 1950, c. 381, s. 1, cl. (c), *amended*. R.S.O. 1950,
c. 196
- (s) "unbroken lot" means a regular lot whose area is not diminished or increased by a natural or artificial feature shown on the original plan; R.S.O. 1950, c. 381, s. 1, cl. (e), *amended*.
- (t) "undisputed corner" means a corner of a parcel of land at which the original post exists, or a corner established under this Act or any predecessor of this Act. R.S.O. 1950, c. 381, s. 1, cl. (f), *amended*.

PART I

GENERAL

2. No survey of land for the purpose of defining, locating or describing any line, boundary or corner of a parcel of land is valid unless made by a surveyor or under the personal supervision of a surveyor. R.S.O. 1950, c. 381, s. 2, *amended*. Validity
of
surveys

3. All lines, boundaries and corners established under the authority of any Act heretofore or hereafter in force remain valid and all other things done under any such authority and in conformity therewith remain valid notwithstanding the repeal of such authority. R.S.O. 1937, c. 232, s. 3, *amended*. Lines, etc.,
remain
valid

4.—(1) Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall keep a proper record and index of all such field notes and shall exhibit or give copies of the same to any surveyor for a reasonable charge. Duty to
keep field
notes, etc.

(2) Where a surveyor has died and no arrangements have been made within six months of his death to place his field notes, records and indices in the custody of a surveyor in active practice, the secretary-treasurer of the Association of Ontario Land Surveyors shall cause such field notes, records and indices to be delivered by the personal representative of the deceased surveyor to the Minister who shall hold them for the benefit of the estate for a period not exceeding five years, and upon the expiry of that period such field notes, records and indices become the property of the Crown and may be disposed of by the Minister in any manner he deems proper. Disposition
of notes
of
deceased
surveyor

To be
deemed
public
documents

(3) So long as such field notes, records and indices are in the possession of the Minister, he shall exhibit or give copies of the same to any person for a reasonable charge. R.S.O. 1950, c. 381, s. 3, *amended*.

Chainman's
oath

5. A surveyor may at any time require a chainman or any other person in his employ to take an oath in writing to act justly and exactly according to the best of his judgment and ability and to render a true account of his work to the surveyor, which oath the surveyor is hereby authorized to administer. R.S.O. 1950, c. 381, s. 5, *amended*.

Right to
enter land,
buildings

6.—(1) A surveyor or a person in his employ while making a survey may,

(a) at any time enter and pass over the land of any person; or

(b) at any time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the survey, but the surveyor is liable for any damage occasioned thereby. R.S.O. 1950, c. 381, s. 6 (1, 2), *amended*.

Penalty
for
obstructing

(2) Every person who interferes with or obstructs a surveyor or a person in his employ in the exercise of any of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 381, s. 6 (3), *amended*.

Examination
under oath

7.—(1) A surveyor may examine under oath any person concerning a line, boundary, corner or post to assist him in ascertaining its true position.

Record of
evidence

(2) The surveyor may cause the evidence so taken to be put in writing in the form of a statement under oath.

Subpoena

(3) Where the surveyor has reason to believe that a person has information concerning a line, boundary, corner or post that may assist him in ascertaining its true position or has a writing, plan or document concerning a line, boundary, corner or post and such person has refused to give the information or to produce the writing, plan or document to the surveyor while being examined under subsection 1, a judge of a county or district court, upon application of the surveyor, may order a subpoena to issue out of the court of which he is a judge commanding such person to appear before the surveyor at the time and place specified in the subpoena and to bring with him any writing, plan or document specified therein.

(4) The subpoena shall be served personally on the person named in it and he shall be tendered his reasonable expenses. Service of subpoena

(5) Every person who is served with a subpoena under this section and who has been tendered his reasonable expenses and who fails to appear before the surveyor in accordance with the subpoena or who fails to produce any writing, plan or document specified in the subpoena or to give such information as he has respecting the line, boundary, corner or post in question is guilty of contempt of the court out of which the subpoena issued. Penalty for failure to obey subpoena

(6) A surveyor may administer oaths for any of the purposes of this section. R.S.O. 1950, c. 381, ss. 7, 8, *amended*. Power to administer oaths

8. Every base line and meridian line surveyed under the instructions of the Minister before the 28th day of March, 1956, that is shown on the original plan thereof shall be deemed to have been made by competent authority and is true and unalterable and shall be deemed to be defined by the original posts or blazed trees in the survey thereof. *New*. True and unalterable base lines and meridian lines

9. Notwithstanding section 57, every line, boundary and corner established by an original survey and shown on the original plan thereof is a true and unalterable line, boundary or corner, as the case may be, and shall be deemed to be defined by the original posts or blazed trees in the original survey thereof, whether or not the actual measurements between the original posts are the same as shown on the original plan and field notes or mentioned or expressed in any grant or other instrument, and every road allowance, highway, street, lane, walk and common shown on the original plan shall, unless otherwise shown thereon, be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 9 (1, 2), *amended*. True and unalterable lines, etc.

10. A surveyor in establishing or re-establishing a line, boundary or corner surveyed under competent authority and shown on the original plan thereof, other than a township subdivision plan, shall be governed by sections 53 and 54. R.S.O. 1950, c. 381, s. 9 (3), *amended*. Methods governing plans, other than township subdivision plans

11.—(1) Where a lake or river is shown on an original plan of Crown lands and a parcel of land shown thereon is given an acreage covering the land area only, such parcel of land does not include any land covered by the water of the lake or river. Where land covered by water not included

(2) Subsection 1 does not affect the rights of any person where such rights were determined by a court before the 8th day of July, 1913. R.S.O. 1950, c. 381, s. 29 (4, 5), *amended*. Certain rights not affected

Lands in township concessions included in same grant

12. Where the Crown has conveyed a parcel of land composed of two or more township lots or parts of lots in concessions adjoining each other by an instrument that contains a metes and bounds description of the parcel prepared from an original plan, the side lines or limits of such lots or parts of lots surveyed in accordance with this Act or any predecessor of this Act constitute the side lines or limits of the parcel. R.S.O. 1950, c. 381, s. 31, *amended*.

PART II

FRONT AND REAR TOWNSHIPS

Interpretation

13.—(1) In this Part, "front and rear township" means a township where the usual practice in the original survey was to survey the township boundaries, the base lines, if any, and the side lines of the lots and to establish the corners of the lots. *New*.

Re-establishment of lost corners, etc.

(2) A surveyor in re-establishing a lost corner, an obliterated boundary or an obliterated side line of a lot in a front and rear township shall obtain the best evidence available respecting the corner, boundary or side line, but if the corner, boundary or side line cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister, who shall instruct him how to proceed. *New*.
- (b) If a part of the township boundary or a base line is obliterated, he shall re-establish the township boundary or the base line by joining the nearest ascertainable points thereof as intended in the original survey.
- (c) If a side line or part thereof is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey, and if an end of a side line is obliterated, he shall re-establish such end by measuring along the township boundary or base line in the manner in which such measurement was made as shown on the original plan and field notes.
- (d) If the lost corner is a corner of a lot, he shall determine the distance along the side line between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey. R.S.O. 1950, c. 381, s. 34 (1, 2), *part, amended*.

14. A boundary of a lot shown on the original plan of a front and rear township that was not surveyed in the original survey is the straight line between the two corners of such lot. ^{Unsurveyed boundaries}
R.S.O. 1950, c. 381, s. 34 (1), *part, amended.*

15. The front of a concession in a front and rear township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered, but in the case of a township in which the concessions are not numbered or lettered, the front of a concession is the boundary of the concession that is nearest the boundary of the township or the base line along which the width of the first lot was measured. ^{Fronts of concessions} *New.*

16.—(1) The aliquot part of a lot in a front and rear township is the aliquot part of the area of the lot, whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Aliquot parts of lots} R.S.O. 1950, c. 381, s. 29 (2), *amended.*

(2) The boundaries of an aliquot part of a lot in a front and rear township, of which lot no aliquot part was surveyed before the 1st day of January, 1959, shall be surveyed on the astronomic course intended in the original survey for the side lines of such lot or on the astronomic course intended for the base line of the township, as the case may be. ^{Boundaries of aliquot parts} *New.*

PART III

SINGLE FRONT TOWNSHIPS

17.—(1) In this Part, "single front township" means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and the base lines, if any, and the concession lines for the fronts of the concessions and to establish the lot corners on the front of each concession. ^{Interpretation} *New.*

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a single front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows: ^{Re-establishment of lost corners, etc.}

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New.*

- (b) If the lost corner is a corner of a lot on a township boundary or on the front of a concession, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-4), *part, amended*.
- (e) If the front line of a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on the front of a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along the front of the concession the distance shown on the original plan and field notes from the last undisputed corner. *New*.

Fronts of
concessions

18. The front of a concession in a single front township is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. R.S.O. 1950, c. 381, s. 24, *part, amended*.

Concession
line not
surveyed or
obliterated

19. Where in a single front township the whole of the front boundary of a concession was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such front boundary in whole or in part shall establish or re-establish such boundary to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended*.

Concession
not surveyed
in original
township,
side lines
established

20. Where the front of a concession in a single front township was not surveyed in the original survey, the side lines of the lots in such concession shall be surveyed from the corners

of the lots on the front of the concession to the rear thereof to the depth of the concession, that is, to the proportionate depth intended in the original survey as shown on the original plan and field notes having due regard for any road allowance made in the original survey, and the straight line joining the ends of the lot lines so surveyed is the boundary of such concession. R.S.O. 1950, c. 381, s. 24, *part, amended*.

21. A surveyor in establishing in a concession in a single front township a side line of a lot that was not surveyed in the original survey shall proceed as follows: ^{Establishment of side lines}

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the front boundary of the concession as shown on the original plan and field notes, or, if parts of the front boundary of the

concession have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the front boundary of the concession as the Minister directs.

- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.
- (f) If the concession is wholly broken in front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots in the broken front concession, he shall establish the side lines in such broken front concession in accordance with this section from the corners of the lots on the front boundary of the concession in the rear thereof to the lake or river.
- (g) If the concession is partly broken in front at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from the points on the rear boundary of the concession determined by dividing proportionately as intended in

the original survey the distance between the end of the concession and the intersection of the last ascertainable side line with the rear of the concession as shown on the original plan, but where such end of the concession is wholly bounded by a lake or river and no measurement was made in the original survey along the rear of the concession to the lake or river, he shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear boundary the widths of the lots as intended in the original survey from the intersection of the last ascertainable side line.

- (h) If the concession is partly broken in front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the lots broken thereby, he shall establish the side lines of such broken lots in accordance with this section from points on the rear boundary of the concession determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines on both sides of the lake or river with the rear boundary of the concession. R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

22.—(1) The aliquot part of a lot in a single front township is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended*. Aliquot parts described

(2) The boundaries of an aliquot part of a lot in a single front township of which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the lot is broken on its front at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the front of the concession as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*. Boundaries

Governing
course for
side lines

23.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a single front township for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the front and rear ends of the boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a single front township for the purpose of measuring an angle with such front to establish a side line of a lot shall determine the course of the straight line joining the ends of such front, but where the front of the concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART IV

DOUBLE FRONT TOWNSHIPS

Interpre-
tation

24.—(1) In this Part, "double front township" means a township where the usual practice in the original survey was to survey the township boundaries, the proof lines and base lines, if any, and the concession lines forming the front boundaries of the half lots and to establish the front corners of the half lots. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a double front township shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a lot on a township boundary or on a concession line, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the

opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.

- (c) If a part of a township boundary, base line or concession line is obliterated, he shall re-establish the same by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, s. 19 (1-5), *amended*.
- (d) If a side line of a lot was surveyed as a proof line and part of the side line is obliterated, he shall re-establish the side line by joining the nearest ascertainable points thereof as intended in the original survey.
- (e) If the concession line forming the front boundary of the half lots in a concession is obliterated beyond the last ascertainable point in a concession broken by a lake or river at its end, he shall re-establish such concession line on the same astronomic course as shown on the original plan and field notes from the last ascertainable point on the concession line.
- (f) If the lost corner is a corner of a lot that is beyond the last undisputed corner on a concession line forming the front boundary of the half lots in a concession broken by a lake or river at its end, he shall re-establish the corner by measuring along such concession line the distance shown on the original plan and field notes from the last undisputed corner.
New.

25. The front boundary of a half lot in a double front township is the boundary of the half lot that abuts the road allowance between two concessions made in the original survey, or, where a concession is broken by a lake or river, the front boundary of a half lot is the original shore of the lake or river opposite the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 26 (1), *part, amended*.

26. Where in a double front township the whole of the concession line forming the front boundary of the half lots was not surveyed in the original survey or is obliterated, a surveyor in establishing or re-establishing such concession line in whole or in part shall establish or re-establish such concession line to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. R.S.O. 1950, c. 381, s. 19 (8), *amended*.

Establish-
ment of rear
boundaries

27. A surveyor in establishing the rear boundaries of half lots in a concession in a double front township shall proceed as follows without reference to the description contained in any grant or other instrument:

- (a) If the concession is unbroken on both fronts by a lake or river, he shall join by straight lines the midway points of the side lines of the lots and their production through the concession. R.S.O. 1950, c. 381, s. 26 (1), *part, amended.*
- (b) If the concession is broken on either or both fronts by a lake or river but the fronts of the concession are not wholly broken at either or both ends, he shall join by a straight line the midway points of the last ascertainable side line and its production through the concession at each end of the broken front.
- (c) If the concession is wholly broken on both fronts at either end of the concession by a lake or river but not broken on both fronts throughout the entire concession, he shall establish the midway point of the last ascertainable side line and its production through the concession and from this point he shall establish the rear boundary of the half lots on both fronts of the concession on the astronomic course intended in the original survey.
- (d) If the concession is broken at its end on one of the fronts of the half lots by a lake or river but not so broken on the rear boundaries of such half lots, he shall establish the midway point of the last ascertainable side line of the half lots so broken and its production through the concession and from such midway point join a straight line to a point on the township boundary determined by measuring along that boundary the distance intended in the original survey from the unbroken front of the concession. *New.*

Establish-
ment of
side lines

28. A surveyor in establishing in a concession in a double front township a side line of a half lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the same astronomic course as the boundary line of the concession at the end from which the lots are numbered, or, if such boundary line was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line

on the same astronomic course as the boundary line at the other end of the concession, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.

- (b) If not intended to be established on the same astronomic course as the boundary line at either end of the concession and if intended in the original survey, he shall establish the side line at the angle with the boundary line at that end of the concession from which the lots are numbered as shown on the original plan and field notes, or, if such end was not surveyed in the original survey because it was wholly broken by a lake or river and if intended in the original survey, he shall establish the side line at the angle with the boundary line at the other end of the concession as shown on the original plan and field notes, but where a proof line was surveyed in the original survey, he shall establish the side line on the side of the proof line that is farthest from the end of the concession that is intended to govern the course of the side line on the same astronomic course as the proof line.
- (c) If the end boundaries of a concession were not surveyed in the original survey because they were wholly broken by a lake or river, he shall establish the side line at such angle with the concession line as shown on the original plan and field notes, or, if parts of the concession line have been surveyed on different courses, he shall establish the side line at such angle with the course of each of the parts as shown on the original plan and field notes, or, if such angle is not shown on the original plan and field notes, he shall establish the side line at such angle with the concession line as the Minister directs.
- (d) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and a proof line was surveyed in the original survey, he shall establish the side line on the same astronomic course as the proof line.
- (e) If the end boundaries of the concession were not surveyed in the original survey because they were wholly broken by a lake or river and two or more proof lines were surveyed in the original survey, he

shall establish the side lines that are between the township boundary from which the lots are numbered and the second proof line from such boundary on the same astronomic course as the first proof line from such boundary, and he shall establish the side lines that are between the second proof line and the third proof line from such boundary on the same astronomic course as the second proof line, and he shall establish the side lines that are between the third proof line and the fourth proof line from such boundary on the same astronomic course as the third proof line, and so on through the concession.

- (f) If the concession is wholly broken on one front by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots, he shall establish the side lines of the broken half lots according to this section from the rear corners of the half lots on the unbroken front of the concession.
- (g) If the concession is wholly broken on both fronts at either end by a lake or river and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by measuring along the rear boundaries of the half lots the widths of the half lots as intended in the original survey from the intersections of the last ascertainable side lines of the half lots with the rear boundaries of the half lots.
- (h) If the concession is partly broken on one front by a lake or river and the lake or river does not extend to either end of the concession and no posts were planted in the original survey on the bank of the lake or river to regulate the width in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundaries of the half lots determined by dividing proportionately as intended in the original survey the distance between the intersections of the last ascertainable side lines of the half lots on both sides of the lake or river with the rear boundaries of the half lots.
- (i) If the concession is partly broken on either front at either end but not broken at the end of the rear

boundary of the half lots by a lake or river and no posts were planted in the original survey on the bank of such lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of such broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the last ascertainable side line of the half lot on the front of the concession so broken.

- (j) If the concession is partly broken on either front at either end by a lake or river and also broken at the end of the rear boundary of the half lots and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of the half lots broken thereby, he shall establish the side lines of the broken half lots according to this section from points on the rear boundary of the half lots in the unbroken front determined by measuring along such rear boundary the widths of the broken half lots as intended in the original survey from the intersection of the last ascertainable side line of the half lot on the front of the concession so broken.
R.S.O. 1950, c. 381, ss. 21, 25, *amended*.

29.—(1) The aliquot part of a half lot in a double front township is the aliquot part of the area of the half lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

(2) The boundaries of an aliquot part of a half lot in a double front township of which half lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the half lot, as the case may be, but where in such latter case the front of the half lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the half lot, and where the rear boundary of the half lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course of the half lot as shown on the original plan and field notes, or, if such course was not so shown, they shall be surveyed on the astronomic course intended in the original survey for the front of the half lot. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Governing
course for
side lines

30.—(1) A surveyor in establishing the course of a township boundary line or a proof line in a double front township for the purpose of surveying a side line of a half lot shall determine the course of the straight line joining the front and rear ends of such boundary line or proof line in each concession.

Idem

(2) A surveyor in establishing the course of the front of a concession in a double front township for the purpose of measuring an angle with such front to establish a side line of a half lot shall determine the course of the straight line joining the ends of such front, but where the front of a concession was surveyed on more than one course in the original survey, he shall determine the course of the straight line joining the ends of each course of such front. R.S.O. 1950, c. 381, s. 23, *amended*.

PART V

SECTIONAL TOWNSHIPS WITH DOUBLE FRONTS

Interpre-
tation

31.—(1) In this Part, "sectional township with double fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of sections defining section boundaries and to establish the front corners of the lots and the section corners. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with double fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of the township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.

- (c) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sections are lost, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (d) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes not as a straight line and the adjacent corners of the sections are lost, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not on a straight line and the side lines between such sections and adjacent sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line and the adjacent corners of the sec-

tions are lost, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section on opposite sides of the concession line.

- (f) If the lost corner is the corner of a section and the concession line in front of the adjacent sections on either side of the lost corner is shown on the original plan and field notes as not in a straight line, and the side lines between such sections and adjacent sections on the opposite sides of the concession line are shown on the original plan and field notes as not in a straight line and the section corners of the adjacent sections on the concession line are lost, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on a front of a concession, he shall determine the distance between the two nearest undisputed corners in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey, but where there is an undisputed corner on the other side of the road allowance, opposite the lost corner, he shall re-establish the lost corner from the position of the undisputed corner, and where the corner on the opposite side of the road allowance is also lost but the position of the original post on the centre line of the road allowance can be determined, such position shall be used in re-establishing the lost corner.
- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-5), 30, *amended*.

(j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New.*

(3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any Application corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

32. The front of a concession in a sectional township with double fronts is the boundary of the concession that abuts the road allowance between two concessions shown on the original plan or, where a concession is broken by a lake or river, that is nearest the prolongation of such road allowance across the lake or river. R.S.O. 1950, c. 381, s. 27, *part, amended.* Fronts of concessions

33. A surveyor in establishing the rear boundary of a concession in a sectional township with double fronts shall proceed as follows: Establishment of rear boundaries of concessions

(a) If the two concessions in a section are unbroken by a lake or river on their fronts, he shall, if intended in the original survey, join by straight lines the midway points of the side lines of the lots and their productions through the section.

(b) If the two concessions in a section are broken by a lake or river on either or both of their fronts but the fronts of the two concessions are not wholly broken at either or both ends of the section, he shall, if intended in the original survey, join by a straight line the midway points between the fronts of the two concessions on the last ascertainable side line in the section at each end of the broken front.

(c) If one of the concessions in a section is broken by a lake or river on its front at either or both ends of the section but not broken through the entire section, he shall join by a straight line a point on the broken side line of the section determined by

measuring the distance shown on the original plan and field notes from the unbroken front and the midway point between the fronts of the two concessions on the last ascertainable side line in the section at the end of the broken front.

- (d) If one of the concessions in a section is wholly broken by a lake or river on its front, he shall measure the distance shown on the original plan and field notes along the side lines of the lots from the front of the unbroken concession.
- (e) If one of the concessions in a section is partly or wholly broken by a lake or river on its front and at either or both ends of the section and the other concession in the section is partly or wholly broken by a lake or river at either or both ends of the section and partly broken on its front, he shall establish the rear boundary of the concessions so broken on their fronts on the astronomic course intended in the original survey from a point determined by measuring the distance shown on the original plan and field notes from the unbroken part of the front of such concession along the last ascertainable side line in that concession at the end of the broken front.
- (f) If both concessions in a section are wholly broken by a lake or river on their fronts and no posts were planted in the original survey to establish the rear boundaries of such concessions, he shall establish the rear boundary of such concessions on the astronomic course intended in the original survey from a point established on the limit of the section nearest to the end from which the lots are numbered midway between the section corners. *New.*

Establish-
ment of
side lines

34. A surveyor in establishing in a concession in a sectional township with double fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) Where any such township was surveyed under the 1,000-acre or 1,800-acre sectional system and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course

shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

- (b) Where any such township was surveyed under any sectional system other than the 1,000-acre or 1,800-acre sectional system and if it was intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes. R.S.O. 1950, c. 381, s. 22 (1, 2), *amended*.
- (c) If the fronts of either or both concessions in a section are partly or wholly broken by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of such broken lots in accordance with this section from points on the section limit fronting each concession determined by dividing proportionately as intended in the original survey the distance between the two nearest undisputed lot corners in the section, one being on either side of the side line of the broken lot to be established. R.S.O. 1950, c. 381, s. 19 (1), *amended*.
- (d) If one of the concessions in a section is wholly broken by a lake or river on its front and no posts were planted in the original survey on the bank of the lake or river to regulate the widths in front of

the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such a concession in accordance with this section from the rear corners of the lots in the concession to the rear thereof.

- (e) If both concessions in a section are wholly broken by a lake or river on their fronts and wholly broken at one end of the section and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines in such concessions in accordance with this section from points on the rear concession line determined by measuring along the rear concession line the distance intended in the original survey from the section limit at the end of the section that is not wholly broken.
- (f) If one of the concessions in a section is broken at either end but not wholly broken on its front by a lake or river and no posts were planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side lines of any such broken lot in accordance with this section from the rear corners of the lots of the concession to the rear.
- (g) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New.*

35.—(1) Where the whole or a part of any lot in a sectional township with double fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Aliquot parts}

(2) Where the whole or a part of a broken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Idem}

(3) Where the whole or a part of an unbroken lot in a sectional township with double fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. ^{Idem}

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended in the original survey for the front of the concession. ^{Boundaries of aliquot parts}

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1-3), *amended*. ^{Idem}

Governing
course for
side lines

36. A surveyor in establishing the course of a boundary line of a section in a sectional township with double fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*.

PART VI

SECTIONAL TOWNSHIPS WITH SINGLE FRONTS

Interpre-
tation

37.—(1) In this Part, "sectional township with single fronts" means a township divided into sections and lots where the usual practice in the original survey was to survey the township boundaries, concession lines and side lines of the sections and to establish the front corners of the lots and the section corners. *New*.

Re-estab-
lishment
of lost
corners, etc.

(2) A surveyor in re-establishing a lost corner or obliterated boundary in a sectional township with single fronts shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed. *New*.
- (b) If the lost corner is a corner of a section on a township boundary, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.
- (c) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall re-establish the corner by intersecting a straight line joining the nearest ascertainable points on the concession line with a straight line joining the nearest ascertainable points on the side line of the section on opposite sides of the concession line, but where such ascertainable points on the side line of the sections are more than twenty chains apart,

he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and joining with a straight line the nearest ascertainable points on the concession line.

- (d) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession are shown on the original plan and field notes not as a straight line, he shall determine the distance between the two nearest undisputed corners on the concession line, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the concession line.
- (e) If the lost corner is a corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite side of the concession line are shown on the original plan and field notes as a straight line, he shall determine the distance between the two nearest undisputed corners on the side lines of the sections, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey and by joining with a straight line the nearest ascertainable points on the side line of the section.
- (f) If the lost corner is the corner of a section and the concession line in front of the adjoining sections on either side of the lost corner is shown on the original plan and field notes not as a straight line and the side lines between such sections and adjoining sections on the opposite sides of the concession line are shown on the original plan and field notes not as a straight line, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (g) If the lost corner is a corner of a lot in a section on the front of a concession, he shall determine the distance between the two nearest undisputed corners

in the section, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey.

- (h) If a part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner intended in the original survey.
- (i) If part of a concession line or side line of a section surveyed in the original survey is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (1-4), 30, *amended*.
- (j) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.
- (k) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof. *New*.

Application

(3) Clauses *c, d, e* and *f* of subsection 2 do not apply to any corner of a section re-established before the 24th day of March, 1911. R.S.O. 1950, c. 381, s. 30 (6).

Fronts of concessions

38. The front of a concession in a sectional township with single fronts is the boundary of the concession that is nearest the boundary of the township from which the concessions therein are numbered or lettered. *New*.

Establishment of side lines

39. A surveyor in establishing in a concession in a sectional township with single fronts a side line of a lot that was not surveyed in the original survey shall proceed as follows:

- (a) If intended in the original survey, he shall establish the side line on the astronomic course for the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, but where the side line of such section

is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course of the side line of the section at the other end of such section, but where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish such side line on the astronomic course shown on the original plan and field notes.

- (b) If the front of a concession in a section is partly or wholly broken by a lake or river and no post was planted in the original survey on the bank of the lake or river to regulate the widths in front of the broken lots and the original field notes show that a survey line was run across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from a point on the section limit fronting the concession determined by dividing proportionately as intended in the original survey the distance between the corners of the section.
- (c) If the front of a concession in a section is wholly broken by a lake or river and no post was planted in the original survey on the banks of the lake or river to regulate the widths in front of the broken lots and the original field notes do not show that a survey line was run in the original survey across the lake or river to regulate the widths in front of the broken lots, he shall establish the side line of such broken lots in accordance with this section from the front corner of the lots in the concession to the rear thereof. R.S.O. 1950, c. 381, ss. 19 (1), 22 (1), 25 (1), *amended*.
- (d) If the end of a concession is broken on its front and rear by a lake or river and no posts were planted on the banks of the lake or river to regulate the widths of the lots and the original field notes do not show that a survey line was run in the original survey to regulate the widths in front of the broken lots, he shall establish the side lines of any such lot in accordance with this section from points determined by measuring the distance intended in the original survey from the nearest undisputed corner along the astronomic course intended in the original survey for the front of the concession. *New*.

Aliquot
parts

40.—(1) Where the whole or a part of any lot in a sectional township with single fronts was patented before the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Idem

(2) Where the whole or a part of a broken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the area of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

Idem

(3) Where the whole or a part of an unbroken lot in a sectional township with single fronts was patented on or after the 24th day of March, 1911, any aliquot part of the lot is the aliquot part of the frontage or depth of the lot whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *amended*.

Boundaries
of aliquot
parts

(4) The boundaries of an aliquot part of a lot to which subsection 1 or 2 applies and in which lot no aliquot part was surveyed before the 1st day of July, 1944, shall be surveyed on the astronomic course of a side line not surveyed in the original survey or parallel to the straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a lake or river, the unsurveyed boundaries of the aliquot part shall be surveyed on the astronomic course intended in the original survey for the front of the concession shown on the original plan and field notes, or, if such course was not so shown, such boundaries shall be surveyed on the astronomic course intended for the front of the concession. R.S.O. 1950, c. 381, s. 29 (3), *amended*.

Idem

(5) The boundaries of an aliquot part of a lot to which subsection 3 applies shall be surveyed on the astronomic course of a side line not surveyed in the original survey from points on the front of the lot determined by dividing the measurement between the lot corners equally or by joining by straight lines points on the side lines determined by dividing the measurement between the front and rear corners of

the lot equally without regard to the manner in which the aliquot part is described in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (1), *amended*.

41. A surveyor in establishing the course of a boundary line of a section in a sectional township with single fronts for the purpose of surveying a side line of a lot shall determine the course of the straight line joining the section corners. R.S.O. 1950, c. 381, s. 23, *amended*. Governing
course for
side lines

PART VII

SECTIONAL TOWNSHIPS WITH SECTIONS AND QUARTER SECTIONS

42. In this Part, "sectional township with sections and quarter sections" means, Interpre-
tation

- (a) a township divided into sections and quarter sections without road allowances between sections where the usual practice in the original survey was to survey the township boundaries and section lines and to establish the section corners and quarter section corners; or
- (b) a township divided into sections and quarter sections with road allowances between sections where the usual practice in the original survey was to survey the township boundaries and the section lines on the west and south sides of the road allowances and to establish the section corners and the quarter section corners on the surveyed lines. *New*.

43.—(1) Every road allowance between sections of sectional townships surveyed under instructions of the Department of Interior of Canada is one chain wide and every such road allowance lies north and east of the south and west sides of the road allowance as surveyed in the original survey. R.S.O. 1950, c. 381, s. 32 (2), *amended*. Widths of
certain road
allowances

(2) The strips of land formerly forming parts of the original road allowances mentioned in subsection 1 are detached therefrom and attached to and form part of the quarter section immediately adjoining the strips of land on the east and north thereof. R.S.O. 1950, c. 381, s. 32 (3), *amended*. Land
detached
from
original
road
allowances

(3) The section and quarter section corners established in the original survey of the townships mentioned in subsection 1 continue to be the governing points for the purpose of Original
section
and quarter
section
posts to
govern

re-establishing a lost corner or obliterated boundary of a section or quarter section and establishing section and quarter section corners not established in the original survey. R.S.O. 1950, c. 381, s. 32 (4), *amended*.

Re-establishment of lost corners and obliterated boundaries

44.—(1) A surveyor in re-establishing a lost corner or obliterated boundary surveyed in the original survey in a sectional township with sections and quarter sections with or without road allowances shall obtain the best evidence available respecting the corner or boundary, but if the corner or boundary cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If the lost corner is a corner of a township, he shall report the circumstances to the Minister who shall instruct him how to proceed.
- (b) If the lost corner is a corner of a section or quarter section on or along a township boundary, he shall determine the distance between the nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (c) If the lost corner is a corner of a section on a section boundary in the interior of a township, he shall re-establish the corner by intersecting the straight lines joining the nearest ascertainable points on the adjoining intersecting section boundaries.
- (d) If the lost corner is a corner of a quarter section on a section boundary in the interior of a township, he shall re-establish the corner by joining the nearest ascertainable points on the section boundary and shall determine the distance between the section corners of the section in which the quarter section corner is lost and divide the distance proportionately as intended in the original survey having due regard for any road allowance made in the original survey.
- (e) If part of a township boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey.
- (f) If a part of a section boundary in the interior of a township is obliterated between the corners of a section, he shall re-establish it by joining the nearest ascertainable points thereof as intended in the original survey. R.S.O. 1950, c. 381, ss. 19 (2, 4), 33, *part, amended*.

(2) A surveyor in establishing an original section line on the north or east side of a road allowance in a township defined in clause *b* of section 42 shall measure the width of the road allowance shown on the original plan and field notes from the section line on the south or west side, as the case may be, of the road allowance. *New.*

45. A surveyor in establishing a corner of a section or quarter section shown on the original plan and field notes on a section line not surveyed in the original survey in a township defined in clause *b* of section 42 shall proceed as follows:

- (a) If the corner is a corner of a section, he shall measure the widths of the road allowances shown on the original plan and field notes from the two section corners of the adjacent sections on the opposite sides of the road allowances.
- (b) If the corner is a corner of a quarter section, he shall measure the width of the road allowance as shown on the original plan and field notes from the opposite quarter section corner on the other side of the road allowance and join a straight line between that quarter section corner and the opposite quarter section corner on the section line at the other side of the section. *New.*

46. The interior boundaries of half sections or quarter sections shall be surveyed by connecting the opposite quarter section corners on the boundaries of the section by straight lines. R.S.O. 1950, c. 381, s. 33, cl. (e), *amended.*

47.—(1) The aliquot part of a quarter section in a sectional township with sections and quarter sections is the aliquot part of the frontage or the depth between the quarter section corners whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

(2) The aliquot part of a half section in a sectional township with sections and quarter sections is the aliquot part of the frontage or depth between the quarter section corners of the quarter sections forming the half section whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. *New.*

(3) The interior boundaries of an aliquot part of a quarter section shall be surveyed by connecting by straight lines the points on the boundaries of the quarter section determined in accordance with this section. R.S.O. 1950, c. 381, s. 33, cl. (f), *part, amended.*

PART VIII

MUNICIPAL AND CROWN RE-SURVEYS

Application
for survey
in a muni-
cipality

R.S.O. 1950,
cc. 197, 336

Confirma-
tion of
survey

Cost of
survey

Filing of
plans and
field notes

48.—(1) The council of a municipality or the board of trustees of an improvement district, upon its own motion, may, or upon the petition of one-half of the landowners affected shall, pass a by-law authorizing an application to the Minister to cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that is in the municipality and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act*. R.S.O. 1950, c. 381, ss. 13, 14 (1), 15 (1), *amended*.

(2) The Minister shall appoint and instruct a surveyor to make the survey for which an application has been made under subsection 1 and when the survey has been made and the plan and field notes have been examined by the Minister, the Minister shall cause a notice to be published once in each week for four consecutive weeks in a newspaper having general circulation in the municipality in which the survey has been made of a hearing to be held by him at a stated place on a day not fewer than ten days after the last publication of the notice at which hearing the survey will be considered and any interested persons will be heard, and upon the evidence submitted the Minister may direct such amendments to be made as he deems necessary and may confirm the position of the disputed or lost line, boundary or corner fixed by the survey, and any line, boundary or corner so confirmed is an unalterable line, boundary or corner and is final and conclusive and shall not be questioned in any court. R.S.O. 1950, c. 381, s. 16 (1), *amended*.

(3) Subject to section 50, the cost of a survey under subsection 2 shall be paid to the surveyor making the survey by the municipality making the application therefor upon notice in writing by the Minister to the municipality that the survey has been made, and the municipality may levy all or any part of such cost on the landowners affected by the survey in proportion to the benefit received as determined by by-law of the municipality and collect the same as taxes. R.S.O. 1950, c. 381, ss. 14 (2, 3), 17 (1), *amended*.

(4) A copy of the plan and field notes of a survey confirmed under subsection 2 shall be registered by the Minister with the proper master of titles or registrar of deeds and another copy with the clerk of the municipality that made the application under subsection 1. R.S.O. 1950, c. 381, s. 16 (2), *amended*.

49.—(1) The Minister upon the application of an owner or owners of land that is situate in territory without municipal organization and that has been surveyed under competent authority or under *The Land Titles Act* or *The Registry Act* may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner. Application for survey in unorganized territory R.S.O. 1950, cc. 197, 336

(2) Subject to section 50, the cost of a survey under subsection 1 shall be paid by the owner or owners making application therefor upon notice by the Minister that the survey has been made. Cost of survey

(3) Subsections 2 and 4 of section 48 apply *mutatis mutandis* to a survey made under this section. R.S.O. 1950, c. 381, s. 20, *amended*. Confirmation of survey

50. The Minister may pay all or any part of the cost of a survey under section 48 or 49 out of the moneys that are appropriated by the Legislature for ground surveys. R.S.O. 1950, c. 381, s. 17 (2), *amended*. Cost of survey may be paid by Province

51.—(1) The Minister may cause a survey to be made under his direction for the purpose of fixing the position of a disputed or lost line, boundary or corner that was surveyed under competent authority, and in any such case the Minister may direct that subsections 2 and 4 of sections 48 apply *mutatis mutandis*. Crown re-survey

(2) Where a survey similar to a survey under subsection 1 was made under the instructions of the Minister before the 1st day of June, 1947, the Minister may, upon compliance with the requirements as to publication of notice and the holding of a hearing set forth in subsection 2 of section 48, confirm the survey and such confirmation has the like force and effect as a confirmation under the said subsection. R.S.O. 1950, c. 381, s. 18, *amended*. Confirmation of Crown re-surveys

PART IX

PLANS OF SUBDIVISION

52. In this Part, "plan of subdivision" means a plan of subdivision that is registered under *The Land Titles Act* or under *The Registry Act*. *New*. Interpretation

53. Every line, boundary and corner established by survey and shown on a plan of subdivision is a true and unalterable line, boundary or corner, as the case may be, with respect to such plan and shall be deemed to be defined by the original True and unalterable line, boundary and corner

posts or blazed trees in the first survey thereof, whether or not the actual measurements between the original posts are the same as shown on the plan of subdivision or expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 11 (1), *amended*.

Re-establishment
of lost
corners,
etc.

54. A surveyor in re-establishing a line, boundary or corner shown on a plan of subdivision shall obtain the best evidence available respecting the line, boundary or corner, but if the line, boundary or corner cannot be re-established in its original position from such evidence, he shall proceed as follows:

- (a) If a part of a line or boundary is obliterated, he shall re-establish it by joining the nearest ascertainable points thereof in the manner shown on the plan of subdivision.
- (b) If a corner on a line or boundary is lost, he shall re-establish it by the method that accords with the intent of the survey as shown on the plan of subdivision and, if it is consistent with the intent of the survey as shown on the plan of subdivision, he shall determine the distance between the two nearest undisputed corners, one being on either side of the lost corner, and he shall re-establish the corner by dividing the distance proportionately as shown on the plan of subdivision having due regard for any road allowance, highway, street, lane, walk or common shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 11 (3), *amended*.

Survey
posts,
monuments,
etc.

55.—(1) Every exterior angle of a parcel of land being subdivided and one angle of each street intersection being laid out shall be defined in the survey thereof by,

- (a) an iron bar one inch square and four feet long driven into the ground so that the top is flush with the ground level, which bar shall be known as a standard iron bar and may be designated by the initials S.I.B.; or
- (b) a stone or reinforced concrete monument five inches square at the top, eight inches square at the base and not less than three feet six inches in length planted so that the top is flush with the ground level; or
- (c) in the case of exposed solid rock, an iron bolt one inch square and three inches long cemented or leaded into the rock so that the top is flush with the rock level,

but where the nature of the location is such that it is impracticable to comply fully with this subsection, the angle shall be defined in a manner that represents substantial compliance therewith. R.S.O. 1950, c. 381, s. 12 (1, 3), *amended*.

(2) The position, type and form of every bar monument ^{Idem} and bolt driven, planted or set in accordance with subsection 1 shall be shown on the plan of subdivision. R.S.O. 1950, c. 381, s. 12 (4), *amended*.

(3) Every bearing shown on a plan of subdivision shall ^{Bearings} be referred to one reference line designated on the plan and the course of such reference line shall be the true bearing and shall be determined by astronomic observation or other satisfactory method. R.S.O. 1950, c. 381, s. 12 (2), *amended*.

56.—(1) Subject to *The Land Titles Act* or *The Registry Act* as to the amendment or alteration of plans, every road ^{Public roads, etc.} allowance, highway, street, lane, walk and common shown on ^{R.S.O. 1950, cc. 197, 336} a plan of subdivision shall be deemed to be a public road, highway, street, lane, walk and common, respectively. R.S.O. 1950, c. 381, s. 11 (2), *amended*.

(2) Where under subsection 1 a road allowance, highway, ^{Road allowance closed} street, lane or walk in a municipality is a public highway but the municipality has not assumed it for public use and it or any part of it is closed by an alteration of the plan under *The Land Titles Act*, *The Registry Act* or other provisions in that behalf, it or the part of it so closed belongs to the owners of the land abutting thereon. R.S.O. 1950, c. 381, s. 11 (4), *amended*.

(3) Where several parcels of land having different owners ^{Different owners} abut on the road allowance, highway, street, lane or walk or the part thereof so closed, the owner of each parcel is entitled to the part so closed on which his land abuts to the middle line of the road allowance, highway, street, lane or walk or the part thereof so closed. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.

(4) Where a part of the road allowance, highway, street, ^{Where public way abuts} lane or walk so closed is abutted on one side by another road allowance, highway, street, lane or walk or by a stream, river or other body of water over which the public have rights of navigation or of floating timber, the whole width of such part belongs to the owners whose lands abut thereon opposite the road allowance, highway, street, lane, walk, stream, river or other body of water. R.S.O. 1950, c. 381, s. 11 (6), *amended*.

- Side lines** (5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so closed or across the same in cases coming within subsection 4 is the division line between the parts so closed to which the owners of the parcels are respectively entitled. R.S.O. 1950, c. 381, s. 11 (7), *amended*.
- Several owners** (6) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is owned by more than one person, each such owner is entitled to the like estate or interest in the part so closed as he has in the parcel abutting thereon. R.S.O. 1950, c. 381, s. 11 (5), *part, amended*.
- Where parcel encumbered** (7) Where a parcel of land abutting a road allowance, highway, street, lane or walk so closed is encumbered, the encumbrance extends to and includes the part thereof to which the owner of such parcel becomes entitled under this section. R.S.O. 1950, c. 381, s. 11 (8), *amended*.
- Duty to convey** (8) Where a road allowance, highway, street, lane or walk is so closed, the municipality in which the same was vested shall execute a conveyance to each owner of the part that belongs to him under this section, and the municipality shall register the conveyance in the proper land titles or registry office and shall bear the cost of preparing and registering it. R.S.O. 1950, c. 381, s. 11 (9, 10), *amended*.

PART X

SURVEYS OF LAND UNDER THE HIGHWAY IMPROVEMENT ACT

- True and unalterable boundaries** **57.** All posts and monuments heretofore or hereafter marked, placed or planted for the purpose of designating and defining the boundaries of any parcel of land vested in the Crown and under the jurisdiction and control of the Department of Highways under *The Highway Improvement Act, 1957* or a predecessor thereof are true and unalterable and fix the boundaries of such parcel, whether or not the actual measurements between the posts or monuments are the same as shown on the plan thereof or mentioned or expressed in any grant or other instrument in respect of such parcel and whether or not such parcel remains vested in the Crown. 1957, c. 120, s. 2, *amended*.
- 1957, c. 43

PART XI

MISCELLANEOUS

58. The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument. R.S.O. 1950, c. 381, s. 29 (2), *part, amended.* Aliquot parts of parcels

59. The Minister may assign any of the powers or duties conferred or imposed upon him by this Act to the Surveyor General. *New.* Delegation of Minister's powers, etc.

60. The Lieutenant-Governor in Council may make regulations prescribing the methods of performing surveys and for the purpose of illustrating any method by words and sketches, or either of them. *New.* Regulations

61. Section 3 of *The Surveys Act*, being chapter 232 of the Revised Statutes of Ontario, 1937, *The Surveys Act*, being chapter 381 of the Revised Statutes of Ontario, 1950, and *The Surveys Amendment Act, 1957* are repealed. R.S.O. 1937, c. 232, s. 3; R.S.O. 1950, c. 381; 1957, c. 120, repealed

62. This Act comes into force on the 1st day of January, 1959. Commencement

63. This Act may be cited as *The Surveys Act, 1958.* Short title

The Surveys Act, 1958

1st Reading

February 19th, 1958

2nd Reading

February 28th, 1958

3rd Reading

March 17th, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Division Courts Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to remove the possibility that a plaintiff will be required to appear personally.

SECTION 2. The new subsection ensures that a judgment given by a division court against a garnishee is limited to the normal jurisdiction of a division court.

BILL

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 88 of *The Division Courts Act*, R.S.O. 1950, c. 106, s. 88, subs. 5, as enacted by section 5 of *The Division Courts Amendment Act, 1957*, is amended by striking out "the plaintiff proves", (1957, c. 29, s. 5), amended in the sixth line and inserting in lieu thereof "it is proved", so that the subsection shall read as follows:

- (5) Where a summons has been forwarded for service in another division under section 22 and the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the clerk shall not enter judgment until it is proved in court that the action was entered in the proper court, and, if the judge is satisfied that the action was not entered in the proper court, he shall transfer the case to the proper court on such terms as to him seem just. Default judgment not to be entered until proper court proved

2. Section 129 of *The Division Courts Act*, as amended by R.S.O. 1950, c. 106, s. 129, amended section 6 of *The Division Courts Amendment Act, 1957*, is further amended by adding thereto the following subsection:

- (4) Where directions to garnishee are issued under subsection 3 and judgment is given against the garnishee, the judgment shall not be for an amount exceeding the jurisdiction of the court in a personal action. Maximum amount of judgment against a garnishee

3. This Act may be cited as *The Division Courts Amendment Act, 1958*. Short title

An Act to amend
The Division Courts Act

1st Reading

February 19th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Division Courts Act

MR. ROBERTS

No. 96

1958

BILL

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 88 of *The Division Courts Act*, R.S.O. 1950, c. 106, s. 88, as enacted by section 5 of *The Division Courts Amendment Act, 1957*, subs. 5 (1957, c. 29, s. 5), is amended by striking out "the plaintiff proves", amended in the sixth line and inserting in lieu thereof "it is proved", amended so that the subsection shall read as follows:

- (5) Where a summons has been forwarded for service in another division under section 22 and the defendant does not leave a notice of dispute with the clerk within ten days of the service upon him of the summons and claim, the clerk shall not enter judgment until it is proved in court that the action was entered in the proper court, and, if the judge is satisfied that the action was not entered in the proper court, he shall transfer the case to the proper court on such terms as to him seem just. Default judgment not to be entered until proper court proved

2. Section 129 of *The Division Courts Act*, as amended by R.S.O. 1950, c. 106, s. 129, section 6 of *The Division Courts Amendment Act, 1957*, is amended further amended by adding thereto the following subsection:

- (4) Where directions to garnishee are issued under subsection 3 and judgment is given against the garnishee, the judgment shall not be for an amount exceeding the jurisdiction of the court in a personal action. Maximum amount of judgment against a garnishee

3. This Act may be cited as *The Division Courts Amendment Act, 1958*. Short title

An Act to amend
The Division Courts Act

1st Reading

February 19th, 1958

2nd Reading

February 28th, 1958

3rd Reading

March 21st, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Telephone Act, 1954

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Lieutenant-Governor in Council to fix the remuneration and expenses of members of the Authority.

SECTION 2. Since the Authority might consist of more than three members, the quorum of two is changed to a majority.

SECTION 3. The section is changed to provide for the appointment of the employees of the Authority by the Lieutenant-Governor in Council and to delete the offices of commercial director and engineering director which have proved to be unnecessary.

No. 97

1958

BILL

An Act to amend The Telephone Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91 of *The Telephone Act, 1954* is amended by ^{1954, c. 94,} adding thereto the following subsection: ^{s. 91, amended}

(3) The members shall receive such remuneration and ^{Remunera-} expenses as the Lieutenant-Governor in Council may ^{tion} determine.

2. Section 93 of *The Telephone Act, 1954* is amended by ^{1954, c. 94,} striking out "Two" in the first line and inserting in lieu ^{s. 93, amended} thereof "A majority of the", so that the section shall read as follows:

93. A majority of the members of the Authority shall ^{Quorum} form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Authority.

3. Section 95 of *The Telephone Act, 1954* is repealed and the ^{1954, c. 94,} following substituted therefor: ^{s. 95, re-enacted}

95. The Lieutenant-Governor in Council may appoint ^{Staff} a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Authority.

4. This Act may be cited as *The Telephone Amendment* ^{Short title} Act, 1958.

An Act to amend
The Telephone Act, 1954

1st Reading

February 20th, 1958

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Telephone Act, 1954

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 97

1958

BILL

An Act to amend The Telephone Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91 of *The Telephone Act, 1954* is amended by adding thereto the following subsection: 1954, c. 94,
s. 91,
amended

(3) The members shall receive such remuneration and expenses as the Lieutenant-Governor in Council may determine. Remunera-
tion

2. Section 93 of *The Telephone Act, 1954* is amended by striking out "Two" in the first line and inserting in lieu thereof "A majority of the", so that the section shall read as follows: 1954, c. 94,
s. 93,
amended

93. A majority of the members of the Authority shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the Authority. Quorum

3. Section 95 of *The Telephone Act, 1954* is repealed and the following substituted therefor: 1954, c. 94,
s. 95,
re-enacted

95. The Lieutenant-Governor in Council may appoint a secretary and such other officers, clerks and employees as may be necessary for the conduct of the affairs of the Authority. Staff

4. This Act may be cited as *The Telephone Amendment Act, 1958*. Short title

An Act to amend
The Telephone Act, 1954

1st Reading

February 20th, 1958

2nd Reading

March 4th, 1958

3rd Reading

March 17th, 1958

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Stallions Act

MR. GOODFELLOW

EXPLANATORY NOTE

The need for the supervision provided for in the Act is diminishing and the amendment permits the Lieutenant-Governor in Council to exempt from the application of the Act those horses for which the Act no longer serves a useful or necessary purpose.

No. 98

1958

BILL

An Act to amend The Stallions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Stallions Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 370, s. 15,
amended

(hh) exempting from the Act any breed or class of stallions.

2. This Act may be cited as *The Stallions Amendment Act*, Short title 1958.

An Act to amend
The Stallions Act

1st Reading

February 20th, 1958

2nd Reading

3rd Reading

MR. GODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Stallions Act

MR. GOODFELLOW

No. 98

1958

BILL

An Act to amend The Stallions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Stallions Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 370, s. 15,
amended

(hh) exempting from the Act any breed or class of stallions.

2. This Act may be cited as *The Stallions Amendment Act*, Short title 1958.

An Act to amend
The Stallions Act

1st Reading

February 20th, 1958

2nd Reading

March 3rd, 1958

3rd Reading

March 17th, 1958

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Jails Act

MR. DYMOND

EXPLANATORY NOTE

1. From early times sheriffs have shared in the responsibility for the administration of county jails. Under the present-day administration of jails the sheriffs' function is redundant and anomalous. One purpose of this Bill is to remove the responsibility of sheriffs for jails. This measure has been recommended by the Select Committee re Custodial Questions and Reform Institutions and by the Royal Commission appointed in 1952 to inquire into conditions at the Don Jail.

2. The Bill also places the expense of transferring a prisoner on the province where the prisoner is transferred from a jail to one in an adjoining county by order of the Lieutenant-Governor in Council on the grounds that the first jail is insecure or unfit, and where the prisoner is conveyed from a local jail to a provincial institution. See sections 11 (2) and 15 of the Bill.

3. The title "inspector" was first used in *The Jails Act* before the formation of the Department of Reform Institutions when the inspector was the senior official in the branch of the Department of the Provincial Secretary responsible for its administration. A further purpose of the Bill is to bring the duties of the former inspector into line with the present-day departmental administration.

No. 99

1958

BILL

An Act to amend The Jails Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Jails Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 188, s. 1, cl. *a*, re-enacted

(a) "Deputy Minister" means Deputy Minister of Reform Institutions.

2. Section 4 of *The Jails Act* is amended by striking out "an inspector" in the second line and inserting in lieu thereof "the Deputy Minister", so that the section shall read as follows: R.S.O. 1950, c. 188, s. 4, amended

4. Any person imprisoned in a lock-up in a district may be transferred by order of the Deputy Minister to the common jail in the district town of the district. Transfer from lockup to common jail

3. Section 6 of *The Jails Act* is repealed. R.S.O. 1950, c. 188, s. 6, repealed

4. Section 7 of *The Jails Act* is amended by striking out "inspector" where it occurs in the second and sixth lines respectively and inserting in lieu thereof "Minister", so that the section shall read as follows: R.S.O. 1950, c. 188, s. 7, amended

7. Every jail shall be constructed and built according to a plan approved by the Minister, and sanctioned by the Lieutenant-Governor in Council, and no jail built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Minister, shall be deemed to be in law the jail of such county. Plans for jails

5. Section 8 of *The Jails Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 188, s. 8, amended

Consideration of plans

8. The Deputy Minister, before deciding upon the plan of a jail most proper to be adopted, or approving a jail after its completion, shall take into consideration,

.

R.S.O. 1950, c. 188, s. 9, subs. 1, amended

- 6.—(1) Subsection 1 of section 9 of *The Jails Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Unfit jails

- (1) If the Deputy Minister at any time finds that the common jail in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with section 8, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

R.S.O. 1950, c. 188, s. 9, subs. 2, amended

- (2) Subsection 2 of the said section 9 is amended by striking out "inspector" in the second line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Conference with Deputy Minister

- (2) The council shall thereupon appoint a special committee to confer with the Deputy Minister, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

R.S.O. 1950, c. 188, s. 9, subs. 3, amended

- (3) Subsection 3 of the said section 9 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Case of disagreement

- (3) If the Deputy Minister and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

R.S.O. 1950, c. 188, s. 9, subs. 5, amended

- (4) Subsection 5 of the said section 9 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Repairs to be proportioned to circumstances and resources of council

- (5) The Deputy Minister and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or

additions, have due regard to the plan of the jail and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit.

7. Section 10 of *The Jails Act* is repealed.

R.S.O. 1950,
c. 188, s. 10,
repealed

8. Subsection 1 of section 11 of *The Jails Act* is amended by striking out "four" in the third line and inserting in lieu thereof "six" and by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 11,
subs. 1,
amended

- (1) Where the number of prisoners confined in the jail of any county during two years does not exceed on an average six *per diem* for either of such years and the Deputy Minister reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the jail of an adjoining county, the council of the first-mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the jail of the adjoining county.

Transfer of
prisoners

9.—(1) Subsection 1 of section 13 of *The Jails Act* is amended by striking out "unless there is direct railway communication between the county towns of the two counties, nor until the inspector" in the second and third lines and inserting in lieu thereof "until the Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 13,
subs. 1,
amended

- (1) No such first-mentioned proclamation shall be issued until the Deputy Minister has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first-mentioned county or in custody prior to their committal for trial or pending their removal to the county jail, reformatory or penitentiary has been provided in or near the county town of the first-mentioned county.

Prerequi-
sites to
sanction

(2) Subsection 2 of the said section 13 is amended by striking out "or the sheriff in charge" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 13,
subs. 2,
amended

- (2) Nothing in this section shall prevent the imprisonment of any such prisoner in the jail of the adjoining county where the committing magistrate deems it expedient that he should be imprisoned therein.

Magistrate
may commit
to jail of
adjoining
county

R.S.O. 1950,
c. 188, s. 13,
subs. 3,
amended

(3) Subsection 3 of the said section 13 is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Lock-up

(3) The lock-up may be either the building theretofore used as the jail of the first-mentioned county or part thereof or some other building approved by the Deputy Minister.

R.S.O. 1950,
c. 188, s. 15,
amended

10. Section 15 of *The Jails Act* is amended by striking out "and if the county council fails so to keep the same, the sheriff shall at the cost of the county do what is necessary in that behalf" in the third, fourth and fifth lines, so that the section shall read as follows:

Duty of
county
council as
to lock-up

15. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners.

R.S.O. 1950,
c. 188, s. 18,
subs. 2,
amended

11.—(1) Subsection 2 of section 18 of *The Jails Act* is amended by striking out "inspector" in the fifth line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Cost of
maintenance
of prisoner

(2) The cost of the maintenance of a prisoner transferred under this section shall be paid and borne by the corporation of the county from the jail of which he is transferred, and in case of dispute as to the amount which is payable, shall be determined by the Deputy Minister.

R.S.O. 1950,
c. 188, s. 18,
subss. 3, 4,
repealed

(2) Subsections 3 and 4 of the said section 18 are repealed.

R.S.O. 1950,
c. 188, s. 20,
subs. 1,
amended

12.—(1) Subsection 1 of section 20 of *The Jails Act* is amended by striking out "inspector" in the eighth line and inserting in lieu thereof "Chief Inspector of the Department of Reform Institutions", so that the subsection shall read as follows:

Appoint-
ment of
bailiffs

(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common jails of Ontario or other place of custody and liable to be removed from thence to any provincial institution in which the person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Chief Inspector of the Department of Reform Institutions.

(2) Subsection 2 of the said section 20 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 188, s. 20, subs. 2, amended

- (2) The Deputy Minister may authorize the employment of a suitable person to act as a temporary bailiff, and a temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Minister may direct. Temporary bailiffs

13. Section 21 of *The Jails Act* is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the section shall read as follows: R.S.O. 1950, c. 188, s. 21, amended

21. Any such bailiff may convey any person from the jail or other place of custody to such provincial institution without further authority than the warrant of the Deputy Minister, which shall be issued in duplicate, and the person shall be received into the institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. Warrant for removal

14. Section 23 of *The Jails Act* is amended by striking out "sheriff or" in the first line, so that the section shall read as follows: R.S.O. 1950, c. 188, s. 23, amended

23. The bailiff shall give to the jailer one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up the person with the other duplicate to the superintendent or other official head of the provincial institution, who shall give his receipt in writing for every person so received by him to the bailiff, and every such person shall be kept in the institution until discharged by due course of law or removed under competent authority. Bailiffs to give and take receipts for persons in their charge

15. Section 24 of *The Jails Act* is repealed.

R.S.O. 1950, c. 188, s. 24, repealed

16. Subsection 2 of section 11 and section 15 shall be deemed to have come into force on the 1st day of January, 1958. Commencement

17. This Act may be cited as *The Jails Amendment Act*, 1958. Short title

An Act to amend The Jails Act

1st Reading

February 20th, 1958

2nd Reading

3rd Reading

MR. DYMOND

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Jails Act

MR. DYMOND

TORONTO

**PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY**

No. 99

1958

BILL

An Act to amend The Jails Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Jails Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 188, s. 1,
cl. *a*,
re-enacted

(a) "Deputy Minister" means Deputy Minister of Reform Institutions.

2. Section 4 of *The Jails Act* is amended by striking out "an inspector" in the second line and inserting in lieu thereof "the Deputy Minister", so that the section shall read as follows: R.S.O. 1950,
c. 188, s. 4,
amended

4. Any person imprisoned in a lock-up in a district may be transferred by order of the Deputy Minister to the common jail in the district town of the district. Transfer
from lockup
to common
jail

3. Section 6 of *The Jails Act* is repealed. R.S.O. 1950,
c. 188, s. 6,
repealed

4. Section 7 of *The Jails Act* is amended by striking out "inspector" where it occurs in the second and sixth lines respectively and inserting in lieu thereof "Minister", so that the section shall read as follows: R.S.O. 1950,
c. 188, s. 7,
amended

7. Every jail shall be constructed and built according to a plan approved by the Minister, and sanctioned by the Lieutenant-Governor in Council, and no jail built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Minister, shall be deemed to be in law the jail of such county. Plans for
jails

5. Section 8 of *The Jails Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 188, s. 8,
amended

Consideration of plans

8. The Deputy Minister, before deciding upon the plan of a jail most proper to be adopted, or approving a jail after its completion, shall take into consideration,

.

R.S.O. 1950, c. 188, s. 9, subs. 1, amended

- 6.—(1) Subsection 1 of section 9 of *The Jails Act* is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Unfit jails

- (1) If the Deputy Minister at any time finds that the common jail in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with section 8, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

R.S.O. 1950, c. 188, s. 9, subs. 2, amended

- (2) Subsection 2 of the said section 9 is amended by striking out "inspector" in the second line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Conference with Deputy Minister

- (2) The council shall thereupon appoint a special committee to confer with the Deputy Minister, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

R.S.O. 1950, c. 188, s. 9, subs. 3, amended

- (3) Subsection 3 of the said section 9 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Case of disagreement

- (3) If the Deputy Minister and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

R.S.O. 1950, c. 188, s. 9, subs. 5, amended

- (4) Subsection 5 of the said section 9 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Repairs to be proportioned to circumstances and resources of council

- (5) The Deputy Minister and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or

additions, have due regard to the plan of the jail and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit.

7. Section 10 of *The Jails Act* is repealed.

R.S.O. 1950,
c. 188, s. 10,
repealed

8. Subsection 1 of section 11 of *The Jails Act* is amended by striking out "four" in the third line and inserting in lieu thereof "six" and by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 11,
subs. 1,
amended

- (1) Where the number of prisoners confined in the jail of any county during two years does not exceed on an average six *per diem* for either of such years and the Deputy Minister reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the jail of an adjoining county, the council of the first-mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the jail of the adjoining county.

Transfer of
prisoners

9.—(1) Subsection 1 of section 13 of *The Jails Act* is amended by striking out "unless there is direct railway communication between the county towns of the two counties, nor until the inspector" in the second and third lines and inserting in lieu thereof "until the Deputy Minister", so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 13,
subs. 1,
amended

- (1) No such first-mentioned proclamation shall be issued until the Deputy Minister has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first-mentioned county or in custody prior to their committal for trial or pending their removal to the county jail, reformatory or penitentiary has been provided in or near the county town of the first-mentioned county.

Prerequi-
sites to
sanction

(2) Subsection 2 of the said section 13 is amended by striking out "or the sheriff in charge" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 188, s. 13,
subs. 2,
amended

- (2) Nothing in this section shall prevent the imprisonment of any such prisoner in the jail of the adjoining county where the committing magistrate deems it expedient that he should be imprisoned therein.

Magistrate
may commit
to jail of
adjoining
county

R.S.O. 1950, c. 188, s. 13, subs. 3, amended (3) Subsection 3 of the said section 13 is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Lock-up

- (3) The lock-up may be either the building theretofore used as the jail of the first-mentioned county or part thereof or some other building approved by the Deputy Minister.

R.S.O. 1950, c. 188, s. 15, amended

10. Section 15 of *The Jails Act* is amended by striking out "and if the county council fails so to keep the same, the sheriff shall at the cost of the county do what is necessary in that behalf" in the third, fourth and fifth lines, so that the section shall read as follows:

Duty of county council as to lock-up

15. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners.

R.S.O. 1950, c. 188, s. 18, subs. 2, amended

11.—(1) Subsection 2 of section 18 of *The Jails Act* is amended by striking out "inspector" in the fifth line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows:

Cost of maintenance of prisoner

- (2) The cost of the maintenance of a prisoner transferred under this section shall be paid and borne by the corporation of the county from the jail of which he is transferred, and in case of dispute as to the amount which is payable, shall be determined by the Deputy Minister.

R.S.O. 1950, c. 188, s. 18, subss. 3, 4, repealed

- (2) Subsections 3 and 4 of the said section 18 are repealed.

R.S.O. 1950, c. 188, s. 20, subs. 1, amended

12.—(1) Subsection 1 of section 20 of *The Jails Act* is amended by striking out "inspector" in the eighth line and inserting in lieu thereof "Chief Inspector of the Department of Reform Institutions", so that the subsection shall read as follows:

Appointment of bailiffs

- (1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common jails of Ontario or other place of custody and liable to be removed from thence to any provincial institution in which the person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Chief Inspector of the Department of Reform Institutions.

(2) Subsection 2 of the said section 20 is amended by striking out "inspector" in the first line and inserting in lieu thereof "Deputy Minister", so that the subsection shall read as follows: R.S.O. 1950, c. 188, s. 20, subs. 2, amended

- (2) The Deputy Minister may authorize the employment of a suitable person to act as a temporary bailiff, and a temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Minister may direct. Temporary bailiffs

13. Section 21 of *The Jails Act* is amended by striking out "inspector" in the third line and inserting in lieu thereof "Deputy Minister", so that the section shall read as follows: R.S.O. 1950, c. 188, s. 21, amended

21. Any such bailiff may convey any person from the jail or other place of custody to such provincial institution without further authority than the warrant of the Deputy Minister, which shall be issued in duplicate, and the person shall be received into the institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. Warrant for removal

14. Section 23 of *The Jails Act* is amended by striking out "sheriff or" in the first line, so that the section shall read as follows: R.S.O. 1950, c. 188, s. 23, amended

23. The bailiff shall give to the jailer one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up the person with the other duplicate to the superintendent or other official head of the provincial institution, who shall give his receipt in writing for every person so received by him to the bailiff, and every such person shall be kept in the institution until discharged by due course of law or removed under competent authority. Bailiffs to give and take receipts for persons in their charge

15. Section 24 of *The Jails Act* is repealed.

R.S.O. 1950, c. 188, s. 24, repealed

16. Subsection 2 of section 11 and section 15 shall be deemed to have come into force on the 1st day of January, 1958. Commencement

17. This Act may be cited as *The Jails Amendment Act*, 1958. Short title

An Act to amend The Jails Act

1st Reading

February 20th, 1958

2nd Reading

February 28th, 1958

3rd Reading

March 17th, 1958

MR. DYMOND

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Sanatoria for Consumptives Act

MR. PHILLIPS

EXPLANATORY NOTES

SECTION 1. At the present time municipal boards of health are required to provide living and other expenses of former patients of sanatoria who are indigent and who have recovered to such an extent that they may receive care and treatment outside the sanatoria.

This new subsection authorizes the province, through the Department of Public Welfare, to reimburse municipalities in whole or in part for such expenses.

SECTION 2. These amendments increase the amount of burial expenses that the municipality in which a deceased indigent patient lived at the time of admission to the sanatorium must pay to the sanatorium from \$75 to \$125, which brings the amount into conformity with the corresponding situation under *The Public Hospitals Act*.

No. 100

1958

BILL

An Act to amend The Sanatoria for Consumptives Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 346, s. 37,
amended

- (7) The Minister of Public Welfare may, out of such moneys as are appropriated by the Legislature for the purpose, reimburse a local municipality for any money expended by its local board under subsection 2 or 5 in such amounts and under such conditions as are prescribed in the regulations under *The Unemployment Relief Act* or any successor of that Act. Provincial
contribution

R.S.O. 1950,
c. 403

2.—(1) Subsection 1 of section 38 of *The Sanatoria for Consumptives Act*, as re-enacted by section 1 of *The Sanatoria for Consumptives Amendment Act, 1952*, is amended by striking out "exceeding" in the sixth line and inserting in lieu thereof "less than", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 346, s. 38,
(1952, c. 94,
s. 1), subs. 1,
amended

- (1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not less than, Burial
expenses,
by local
municipality

.

(2) Clause *a* of subsection 1 of the said section 38 is amended by striking out "\$75" and inserting in lieu thereof "\$125", so that the clause shall read as follows: R.S.O. 1950,
c. 346, s. 38,
(1952, c. 94,
s. 1), subs. 1,
cl. *a*,
amended

- (a) \$125 for the burial.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1958*.

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

February 20th, 1958

2nd Reading

3rd Reading

MR. PHILIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Sanatoria for Consumptives Act

MR. PHILLIPS

(Reprinted as amended by the Committee on Health)

EXPLANATORY NOTES

SECTION 1. At the present time municipal boards of health are required to provide living and other expenses of former patients of sanatoria who are indigent and who have recovered to such an extent that they may receive care and treatment outside the sanatoria.

This new subsection authorizes the province, through the Department of Public Welfare, to reimburse municipalities in whole or in part for such expenses.

SECTION 2. These amendments increase the amount of burial expenses that the municipality in which a deceased indigent patient lived at the time of admission to the sanatorium must pay to the sanatorium from \$75 to \$125, which brings the amount into conformity with the corresponding situation under *The Public Hospitals Act*.

No. 100

1958

BILL

An Act to amend The Sanatoria for Consumptives Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 346, s. 37,
amended

(7) The Minister of Public Welfare may reimburse a local municipality for any money expended by its local board under subsection 2 or 5 in such amounts and under such conditions as are prescribed in the regulations under *The Unemployment Relief Act* or any successor of that Act. Provincial
contribution
R.S.O. 1950,
c. 403

2.—(1) Subsection 1 of section 38 of *The Sanatoria for Consumptives Act*, as re-enacted by section 1 of *The Sanatoria for Consumptives Amendment Act, 1952*, is amended by striking out "exceeding" in the sixth line and inserting in lieu thereof "less than", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 346, s. 38
(1952, c. 94,
s. 1), subs. 1,
amended


(1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not less than, Burial
expenses,
by local
municipality

.


(2) Clause *a* of subsection 1 of the said section 38 is amended by striking out "\$75" and inserting in lieu thereof "\$125", so that the clause shall read as follows: R.S.O. 1950,
c. 346, s. 38
(1952, c. 94,
s. 1), subs. 1,
cl. *a*,
amended

(a) \$125 for the burial.

Commence-
ment

 **3.** This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

 **4.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1958*.

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

February 20th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. PHILLIPS

(Reprinted as amended by the
Committee on Health)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Sanatoria for Consumptives Act

MR. PHILLIPS

No. 100

1958

BILL

An Act to amend The Sanatoria for Consumptives Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 346, s. 37,
amended

(7) The Minister of Public Welfare may reimburse a local municipality for any money expended by its local board under subsection 2 or 5 in such amounts and under such conditions as are prescribed in the regulations under *The Unemployment Relief Act* or any successor of that Act. Provincial
contribution
R.S.O. 1950,
c. 403

2.—(1) Subsection 1 of section 38 of *The Sanatoria for Consumptives Act*, as re-enacted by section 1 of *The Sanatoria for Consumptives Amendment Act, 1952*, is amended by striking out "exceeding" in the sixth line and inserting in lieu thereof "less than", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 346, s. 38
(1952, c. 94,
s. 1), subs. 1,
amended

(1) In the event of the death in a sanatorium of any patient who is an indigent person, the local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not less than, Burial
expenses,
by local
municipality

.

(2) Clause *a* of subsection 1 of the said section 38 is amended by striking out "\$75" and inserting in lieu thereof "\$125", so that the clause shall read as follows: R.S.O. 1950,
c. 346, s. 38
(1952, c. 94,
s. 1), subs. 1,
cl. *a*,
amended

(a) \$125 for the burial.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

4. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1958*.

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

February 20th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 21st, 1958

MR. PHILLIPS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Disabled Persons' Allowances Act, 1955**

MR. CECILE

EXPLANATORY NOTE

The administration of the welfare allowances programmes—blind persons' allowances, disabled persons' allowances, mothers' and dependent children's allowances and old age assistance—has been brought together into one branch of the Department—the Welfare Allowances Branch.

This bill brings the Act into line with the current administrative arrangements.

No. 101

1958

BILL

An Act to amend The Disabled Persons' Allowances Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Disabled Persons' Allowances Act, 1955* is repealed and the following substituted therefor: ^{s. 1, cl. b,} re-enacted

(b) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment

3. This Act may be cited as *The Disabled Persons' Allowances Amendment Act, 1958*. ^{Short title}

An Act to amend
The Disabled Persons' Allowances
Act, 1955

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Disabled Persons' Allowances Act, 1955**

MR. CECILE

No. 101

1958

BILL

An Act to amend The Disabled Persons' Allowances Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Disabled Persons' Allowances Act, 1955* is repealed and the following substituted therefor: 1955, c. 17, s. 1, cl. b, re-enacted

(*b*) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Disabled Persons' Allowances Amendment Act, 1958*. Short title

An Act to amend
The Disabled Persons' Allowances
Act, 1955

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 17th, 1958

Mr. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Blind Persons' Allowances Act, 1951

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The administration of the welfare allowances programmes—blind persons' allowances, disabled persons' allowances, mothers' and dependent children's allowances and old age assistance—has been brought together into one branch of the Department—the Welfare Allowances Branch. This section brings the Act into line with the current administrative arrangements.

SECTION 2. The provision repealed serves no useful purpose.

No. 102

1958

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor:

1951 (2nd
Sess.),
c. 1, s. 1,
cl. *b*,
re-enacted

(*b*) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

2. Subsection 2 of section 3 of *The Blind Persons' Allowances Act, 1951* is repealed.

1951 (2nd
Sess.),
c. 1, s. 3,
subs. 2,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1958*.

Short title

An Act to amend
The Blind Persons' Allowances Act, 1951

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Blind Persons' Allowances Act, 1951**

MR. CECILE

No. 102

1958

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.), c. 1, s. 1, cl. b, re-enacted

(b) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

2. Subsection 2 of section 3 of *The Blind Persons' Allowances Act, 1951* is repealed. 1951 (2nd Sess.), c. 1, s. 3, subs. 2, repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1958*. Short title

An Act to amend
The Blind Persons' Allowances Act, 1951

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 17th, 1958

Mr. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Old Age Assistance Act, 1951

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The administration of the welfare allowances programmes—blind persons' allowances, disabled persons' allowances, mothers' and dependent children's allowances and old age assistance—has been brought together into one branch of the Department—the Welfare Allowances Branch. This section bring the Act into line with the current administrative arrangements.

SECTION 2. The words added provide authority for including in an agreement with Canada conditions of eligibility for allowances as set out in the regulations.

No. 103

1958

BILL

An Act to amend The Old Age Assistance Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Old Age Assistance Act*, 1951 (2nd Sess.), c. 2, s. 1, cl. *b*, re-enacted 1951 is repealed and the following substituted therefor:

(*b*) “Director” means Director of the Welfare Allowances Branch of the Department of Public Welfare.

(2) Clause *d* of the said section 1, as re-enacted by sub-section 2 of section 1 of *The Old Age Assistance Amendment Act*, 1957, is amended by striking out “district welfare administrator or district welfare supervisor” in the first and second lines and inserting in lieu thereof “regional welfare administrator”, so that the clause shall read as follows:

(*d*) “local authority” means a field worker, regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare the Minister designates under this Act.

2. Subsection 1 of section 2 of *The Old Age Assistance Act*, 1951, as re-enacted by section 2 of *The Old Age Assistance Amendment Act*, 1957, is amended by inserting after “it” in the sixth line “and with any additional conditions of eligibility prescribed in the regulations made under this Act”, so that the subsection shall read as follows:

(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Old Age Assistance Act* (Canada) and the regulations made under it and with any additional conditions of eligibility prescribed in the regulations made under

Agreements
with Canada
authorized

R.S.C. 1952,
c. 199

this Act of any portion of amounts of assistance paid by Ontario pursuant to this Act and the regulations.

1951 (2nd
Sess.),
c. 2, s. 3,
subss. 1, 4,
repealed

3. Subsections 1 and 4 of section 3 of *The Old Age Assistance Act, 1951* are repealed.

1951 (2nd
Sess.),
c. 2, s. 12,
amended

4. Section 12 of *The Old Age Assistance Act, 1951*, as amended by section 4 of *The Old Age Assistance Amendment Act, 1957*, is further amended by adding thereto the following clause:

(aa) prescribing conditions of eligibility for assistance that may be included in an agreement made under section 2.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Old Age Assistance Amendment Act, 1958*.

SECTION 3. The present subsection 1 of section 3 of the Act authorizes the appointment of the Director of Old Age Assistance and is repealed in view of the administration of these allowances by the Director of the Welfare Allowances Branch.

The present subsection 4 of section 3 of the Act is repealed as serving no useful purpose.

SECTION 4. The clause added requires any additional condition of eligibility contained in the agreement made under section 2 to be set out in the regulations.

Bill
An Act to amend
The Old Age Assistance Act, 1951

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Old Age Assistance Act, 1951

MR. CECILE

No. 103

1958

BILL

An Act to amend The Old Age Assistance Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Old Age Assistance Act, 1951* is repealed and the following substituted therefor: 1951 (2nd Sess.), c. 2, s. 1, cl. *b*, re-enacted

(b) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare.

(2) Clause *d* of the said section 1, as re-enacted by sub-section 2 of section 1 of *The Old Age Assistance Amendment Act, 1957*, is amended by striking out "district welfare administrator or district welfare supervisor" in the first and second lines and inserting in lieu thereof "regional welfare administrator", so that the clause shall read as follows: 1951 (2nd Sess.), c. 2, s. 1, cl. *d* (1957, c. 83, s. 1, subs. 2), amended

(d) "local authority" means a field worker, regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare the Minister designates under this Act.

2. Subsection 1 of section 2 of *The Old Age Assistance Act, 1951*, as re-enacted by section 2 of *The Old Age Assistance Amendment Act, 1957*, is amended by inserting after "it" in the sixth line "and with any additional conditions of eligibility prescribed in the regulations made under this Act", so that the subsection shall read as follows: 1951 (2nd Sess.), c. 2, s. 2 (1957, c. 83, s. 2), subs. 1, amended

(1) The Minister, with the approval of the Lieutenant-Governor in Council, may make agreements with the Crown in right of Canada to provide for payment by Canada to Ontario in accordance with the *Old Age Assistance Act* (Canada) and the regulations made under it and with any additional conditions of eligibility prescribed in the regulations made under Agreements with Canada authorized R.S.C. 1952, c. 199

this Act of any portion of amounts of assistance paid by Ontario pursuant to this Act and the regulations.

1951 (2nd Sess.),
c. 2, s. 3,
subss. 1, 4,
repealed

3. Subsections 1 and 4 of section 3 of *The Old Age Assistance Act, 1951* are repealed.

1951 (2nd Sess.),
c. 2, s. 12,
amended

4. Section 12 of *The Old Age Assistance Act, 1951*, as amended by section 4 of *The Old Age Assistance Amendment Act, 1957*, is further amended by adding thereto the following clause:

(aa) prescribing conditions of eligibility for assistance that may be included in an agreement made under section 2.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Old Age Assistance Amendment Act, 1958*.

An Act to amend
The Old Age Assistance Act, 1951

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 17th, 1958

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Mothers' and Dependent Children's Allowances Act, 1957**

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The administration of the welfare allowances programmes—blind persons' allowances, disabled persons' allowances, mothers' and dependent children's allowances and old age assistance—has been brought together into one branch of the Department—the Welfare Allowances Branch. The amendment brings the Act into line with the current administrative arrangements.

The term "foster-mother" is extended so as to permit payment of an allowance to any person, if otherwise qualified, who acts in *loco parentis* to a foster-child, as for example, a male foster-parent.

The re-definition of the term "regional administrator" brings it into line with current administrative arrangements.

SECTION 2. The new feature of the subclause as re-enacted is that the allowance may be paid to an unmarried mother only if she is 18 years of age or over and her dependent child is at least six months old.

SECTION 3. This new section provides a method for computing the required one-year period of residence in Ontario in cases where the mother moves from another province into Ontario.

BILL

An Act to amend The Mother's and Dependent Children's Allowances Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *f*, *h* and *l* of section 1 of *The Mothers' and Dependent Children's Allowances Act, 1957* are repealed and the following substituted therefor: ^{1957, c. 73, s. 1, cls. *f*, *h*, *l*, re-enacted}

(*f*) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare;

.

(*h*) "foster-mother" means foster-mother of, or person acting in *loco parentis* to, a dependent foster-child;

.

(*l*) "regional administrator" means a regional welfare administrator or any other employee of the Department of Public Welfare whom the Minister designates as such under this Act.

2. Subclause iv of clause *a* of section 2 of *The Mother's and Dependent Children's Allowances Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 73, s. 2, cl. *a*, subcl. iv, re-enacted}

(iv) whose dependent child was born out of wedlock, where the mother is eighteen years or more of age and her dependent child is six months or more of age, or

.

3. *The Mothers' and Dependent Children's Allowances Act, 1957* is amended by adding thereto the following section: ^{1957, c. 73, amended}

Interpre-
tation

- 2a. For the purposes of subclause viii of clause *a* of section 2, any period during which the mother was in receipt of public assistance, in the form of direct relief paid to her or on her behalf by a province or municipality, other than Ontario or a municipality in Ontario, shall be deemed not to be a period of residence in Ontario.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1958*.

An Act to amend
The Mothers' and Dependent Children's
Allowances Act, 1957

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Mothers' and Dependent Children's Allowances Act, 1957

MR. CECILE

BILL

An Act to amend The Mother's and Dependent Children's Allowances Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *f*, *h* and *l* of section 1 of *The Mothers' and Dependent Children's Allowances Act, 1957* are repealed and the following substituted therefor: ^{1957, c. 73, s. 1, cl. f, h, l, re-enacted}

(*f*) "Director" means Director of the Welfare Allowances Branch of the Department of Public Welfare;

.

(*h*) "foster-mother" means foster-mother of, or person acting in *loco parentis* to, a dependent foster-child;

.

(*l*) "regional administrator" means a regional welfare administrator or any other employee of the Department of Public Welfare whom the Minister designates as such under this Act.

2. Subclause iv of clause *a* of section 2 of *The Mother's and Dependent Children's Allowances Act, 1957* is repealed and the following substituted therefor: ^{1957, c. 73, s. 2, cl. a, subcl. iv, re-enacted}

(iv) whose dependent child was born out of wedlock, where the mother is eighteen years or more of age and her dependent child is six months or more of age, or

.

3. *The Mothers' and Dependent Children's Allowances Act, 1957* is amended by adding thereto the following section: ^{1957, c. 73, amended}

Interpre-
tation

2a. For the purposes of subclause viii of clause *a* of section 2, any period during which the mother was in receipt of public assistance in the form of direct relief paid to her or on her behalf by a province or municipality, other than Ontario or a municipality in Ontario, shall be deemed not to be a period of residence in Ontario.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mothers' and Dependent Children's Allowances Amendment Act, 1958*.

The Mothers' and Dependent Children's
Allowances Act, 1957

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Indian Welfare Services Act, 1955

MR. CECILE

EXPLANATORY NOTES

SECTION 1. The reference deleted is obsolete.

SECTION 2. This section is new. It will enable a mother's allowance to be paid to an Indian mother with a dependent child or children if she is a widow or if her husband is permanently unemployable by reason of mental or physical disability.

SECTION 3. This clause is new. It will enable agreements to be made with the Government of Canada respecting the payment of general welfare assistance (unemployment or direct relief) to Indians.

No. 105

1958

BILL

An Act to amend The Indian Welfare Services Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Indian Welfare Services Act, 1955* is ^{1955, c. 33,} amended by striking out "*The Mothers' Allowances Act, 1952*" ^{s. 2,} amended in the third and fourth lines, so that the section shall read as follows:

2. Every Indian resident in Ontario is entitled to the ^{Indians} benefits of *The Blind Persons' Allowances Act, 1951*, ^{eligible for} *The Disabled Persons' Allowances Act, 1955* and ^{welfare} *The Old Age Assistance Act, 1951* to the same extent ^{benefits} as any other person. ^{1951 (2nd Sess.), c. 1;} ^{1955, c. 17;} ^{1951 (2nd Sess.), c. 2}

2. *The Indian Welfare Services Act, 1955* is amended by ^{1955, c. 33,} adding thereto the following section: ^{amended}

2a. An allowance under *The Mothers' and Dependent Children's Allowances Act, 1957* may be paid to an ^{Mothers'} Indian mother of a dependent child where the mother ^{allowances} is a widow or where her husband is a dependent ^{1957, c. 73} father within the meaning of that Act.

3. Section 3 of *The Indian Welfare Services Act, 1955* is ^{1955, c. 33,} amended by adding thereto the following clause: ^{s. 3,} amended

(bb) respecting the payment of the cost of providing general welfare assistance for Indians.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Indian Welfare Services* ^{Short title} *Amendment Act, 1958*.

An Act to amend
The Indian Welfare Services Act, 1955

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Indian Welfare Services Act, 1955

MR. CECILE

No. 105

1958

BILL

An Act to amend The Indian Welfare Services Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Indian Welfare Services Act, 1955* is ^{1955, c. 33,} amended by striking out "*The Mothers' Allowances Act, 1952*" ^{s. 2,} amended in the third and fourth lines, so that the section shall read as follows:

2. Every Indian resident in Ontario is entitled to the ^{Indians eligible for} benefits of *The Blind Persons' Allowances Act, 1951*, ^{welfare} *The Disabled Persons' Allowances Act, 1955* and ^{benefits} *The Old Age Assistance Act, 1951* to the same extent ^{1951 (2nd Sess.), c. 1;} as any other person. ^{1955, c. 17;} ^{1951 (2nd Sess.), c. 2}

2. *The Indian Welfare Services Act, 1955* is amended by ^{1955, c. 33,} adding thereto the following section: ^{amended}

2a. An allowance under *The Mothers' and Dependent* ^{Mothers' allowances} *Children's Allowances Act, 1957* may be paid to an ^{1957, c. 73} Indian mother of a dependent child where the mother is a widow or where her husband is a dependent father within the meaning of that Act.

3. Section 3 of *The Indian Welfare Services Act, 1955* is ^{1955, c. 33,} amended by adding thereto the following clause: ^{s. 3,} amended

(bb) respecting the payment of the cost of providing general welfare assistance for Indians.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The Indian Welfare Services* ^{Short title} *Amendment Act, 1958.*

AN ACT to amend
The Indian Welfare Services Act, 1955

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

Mr. Cecile

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Municipal Act

MR. THOMAS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 106

1958

BILL

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 243,
amended

58a. The council of any local municipality may pass by-laws to provide for adding to the voters' list as Voters
at least
twenty-one
years of age qualified to vote at municipal elections, except on money by-laws, all persons not otherwise entitled to vote who are British subjects, at least twenty-one years of age and who have resided continuously within the municipality for a period of twelve months prior to the return of the assessment roll.

2. This Act may be cited as *The Municipal Amendment Act, 1958*. Short title

An Act to amend The Municipal Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. THOMAS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Training Schools Act

MR. DYMOND

EXPLANATORY NOTE

The amendment permits the employment of a chairman of The Training Schools Advisory Board on a full-time basis.

No. 107

1958

BILL

An Act to amend The Training Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 5 of *The Training Schools Act* R.S.O. 1950, c. 396, s. 5, subs. 7, amended is amended by inserting after "Board" in the first line "other than the chairman", so that the subsection shall read as follows:

- (7) The members of the Board, other than the chairman, Allowance to members of Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

2. This Act may be cited as *The Training Schools Amend-* Short title
ment Act, 1958.

An Act to amend
The Training Schools Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. DYMOND

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Training Schools Act

MR. DYMOND

No. 107

1958

BILL

An Act to amend The Training Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 5 of *The Training Schools Act* R.S.O. 1950, c. 396, s. 5, subs. 7, amended is amended by inserting after "Board" in the first line "other than the chairman", so that the subsection shall read as follows:

- (7) The members of the Board, other than the chairman, Allowance to members of Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

2. This Act may be cited as *The Training Schools Amend-ment Act, 1958*. Short title

An Act to amend
The Training Schools Act

1st Reading

February 25th, 1958

2nd Reading

March 18th, 1958

3rd Reading

March 21st, 1958

MR. DYMOND

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Parks Act

MR. WARRENDER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The approval of the Municipal Board is at present required to the setting apart and leasing of portions of public parks by a board of park management. The council of the municipality is substituted for the Municipal Board.

SECTION 2. The requirement that a council issue special debentures to be called "Park Fund Debentures" for the purposes of public parks is deleted.

No. 108

1958

BILL

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 12 of *The Public Parks Act* is amended by striking out "Ontario Municipal Board" in the eleventh and twelfth lines and inserting in lieu thereof "council", so that the subsection shall read as follows: R.S.O. 1950, c. 314, s. 12, subs. 6, amended

(6) Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, otherwise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease the same for such purposes for such times and on such terms as the board may see fit; but the powers conferred by this subsection shall not be exercisable with respect to any park unless the board has applied for and received the approval of the council. Lands for athletic, etc., purposes

2. Subsection 5 of section 17 of *The Public Parks Act* is amended by striking out "a special issue of debentures, to be called 'Park Fund Debentures'" in the second and third lines and inserting in lieu thereof "the issue of debentures", so that the subsection shall read as follows: R.S.O. 1950, c. 314, s. 17, subs. 5, amended

(5) Subject as hereinafter provided, the council may also, on the requisition of the board, raise by the issue of debentures the sums required for the purpose of purchasing the land and privileges which are reported by the board to be necessary for park purposes, and for making permanent improvements upon any land theretofore acquired by the board for park purposes. Power to issue debentures

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Public Parks Amendment Act, 1958*. Short title

An Act to amend
The Public Parks Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Parks Act

MR. WARRENDER

BILL

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 12 of *The Public Parks Act* R.S.O. 1950, c. 314, s. 12, subs. 6, amended is amended by striking out "Ontario Municipal Board" in the eleventh and twelfth lines and inserting in lieu thereof "council", so that the subsection shall read as follows:

(6) Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, otherwise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease the same for such purposes for such times and on such terms as the board may see fit; but the powers conferred by this subsection shall not be exercisable with respect to any park unless the board has applied for and received the approval of the council. Lands for athletic, etc., purposes

2. Subsection 5 of section 17 of *The Public Parks Act* is amended by striking out "a special issue of debentures, to be called 'Park Fund Debentures'" in the second and third lines and inserting in lieu thereof "the issue of debentures", so that the subsection shall read as follows: R.S.O. 1950, c. 314, s. 17, subs. 5, amended

(5) Subject as hereinafter provided, the council may also, on the requisition of the board, raise by the issue of debentures the sums required for the purpose of purchasing the land and privileges which are reported by the board to be necessary for park purposes, and for making permanent improvements upon any land theretofore acquired by the board for park purposes. Power to issue debentures

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Public Parks Amendment Act, 1958*. Short title

An Act to amend
The Public Parks Act

1st Reading

February 25th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

The Provincial Parks Act, 1958

MR. MAPLEDORAM

TORONTO

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EXPLANATORY NOTES

This Act was revised in 1954. It is again revised in order to bring it in line with present-day conditions.

The two commission-type parks, Long Point and Presqu'île, under Part II of the present Act, are now administered by the Minister of Lands and Forests and the commissions dissolved. Part II of the present Act is therefore obsolete.

Part III of the present Act is also obsolete. No parks have been placed under it.

This bill is therefore much shorter than the present Act and it continues the basic principles of that Act.

The sections of the bill are self-explanatory.

No. 109

1958

BILL

The Provincial Parks Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;
- (c) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) "regulations" means regulations made under this Act. 1954, c. 75, s. 1, *amended*.

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. 1954, c. 75, s. 2, *amended*.

3.—(1) All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks. 1954, c. 75, s. 3 (1), *amended*.

(2) The Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. 1954, c. 75, s. 3 (3), *amended*.

(3) Land may be acquired under *The Public Works Act* for the purposes of this Act.

Existing
parks
continued

New parks
and addi-
tions, etc.

Acquisition
of land
R.S.O. 1950,
c. 323

Municipal
purposes

(4) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4, 5).

Judicial
purposes

(5) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4-6).

Adminis-
tration

4.—(1) Each provincial park shall be under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister. 1954, c. 75, s. 5, *amended*.

Idem

(2) Without limiting the generality of subsection 1, the district forester or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his charge,

- (a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;
- (b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;
- (c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
- (d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
- (e) make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public. 1954, c. 75, s. 9 (2), *amended*.

5.—(1) The Minister may receive and take from any ^{Gifts} person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

(2) Where only the surface rights in lands are received ^{Surface rights} and taken by the Minister under subsection 1 and the mines and minerals are not vested in the Crown, subsection 1 of section 13 does not apply to such lands. *New.*

6.—(1) The Minister may inquire into and ascertain all ^{Inquiry into leases, etc.} the facts concerning all leases and other agreements in respect of any lands in a provincial park. 1954, c. 75, s. 22 (1), *amended.*

(2) If the Minister is satisfied that any person claiming to ^{Cancellation of leases} be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through him, has been guilty of a fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made and upon such cancellation all moneys paid in respect of such lease or other agreement shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown. 1954, c. 75, s. 22 (3), *amended.*

(3) Where a person refuses to deliver up land or where a ^{Power to acquire possession} trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 ^{R.S.O. 1950, c. 309} of *The Public Lands Act*. 1954, c. 75, s. 22 (3).

7. Except as provided by this Act or the regulations, no ^{Use and occupation of public lands} person shall use or occupy any public lands in a provincial park. 1956, c. 69, s. 2.

8. In a provincial park, the district forester, superintendent ^{Police powers} or other person in charge and every forest ranger have all the power and authority of a member of the Ontario Provincial Police Force. 1954, c. 75, s. 23.

9. Any person having the power and authority of a member ^{Seizure and confiscation} of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in violation of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the magistrate may order the chattel so confiscated to be forfeited to the Crown in right of Ontario,

and after the expiration of thirty days it may be disposed of in such manner as the Minister deems proper. 1956, c. 69, s. 3, *part*.

Roads and
trails

10. The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways. 1956, c. 69, s. 3, *part*.

Sale of
liquor

R.S.O. 1950,
c. 210

11. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. 1954, c. 75, s. 24.

Conservation
of wild life,
etc.

R.S.O. 1950,
c. 153

12. Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister may take such measures as he deems proper for the protection of fish, animals and birds and any property of the Crown in any provincial park. 1954, c. 75, s. 26, *amended*.

Prospecting,
mining, etc.

13.—(1) Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited.

Licences of
occupation

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

No title
acquired in
surface
rights

(3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

Necessary
use of
surface
rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he deems necessary. 1956, c. 69, s. 3, *part*.

Regulations

14.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) for the care, preservation, improvement, control and management of the provincial parks;
- (b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;

- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) regulating, controlling and licensing guides in provincial parks;

- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in a provincial park;
- (q) providing for the imposition and collection of fees for entrance into a provincial park of persons, vehicles, boats or aircraft;
- (r) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 75, s. 27 (1), *amended*.

Application (2) Any regulation under subsection 1 may be made applicable to all provincial parks or to any provincial park or to any part of a provincial park. 1954, c. 75, s. 27 (2).

Penalty **15.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500.

Restraint by action (2) Where any regulation is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister. 1954, c. 75, s. 28 (1, 3), *amended*.

Niagara and St. Lawrence Parks not affected **16.** Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The Ontario-St. Lawrence Development Commission. *New*.

1954, c. 75 (except s. 29 and Sched.); 1956, c. 69, repealed **17.** *The Provincial Parks Act, 1954*, except section 29 and the Schedule thereto, and *The Provincial Parks Amendment Act, 1956* are repealed.

Commencement **18.** This Act comes into force on the day it receives Royal Assent.

Short title **19.** This Act may be cited as *The Provincial Parks Act, 1958*.

The Provincial Parks Act, 1958

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

The Provincial Parks Act, 1958

MR. MAPLEDORAM

No. 109

1958

BILL

The Provincial Parks Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means Minister of Lands and Forests;
- (b) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;
- (c) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) "regulations" means regulations made under this Act. 1954, c. 75, s. 1, *amended*.

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. 1954, c. 75, s. 2, *amended*.

3.—(1) All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks. 1954, c. 75, s. 3 (1), *amended*.

(2) The Lieutenant-Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park, and may delimit any provincial park. 1954, c. 75, s. 3 (3), *amended*.

(3) Land may be acquired under *The Public Works Act* for the purposes of this Act.

Existing
parks
continued

New parks
and addi-
tions, etc.

Acquisition
of land
R.S.O. 1950,
c. 323

Municipal
purposes

(4) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4, 5).

Judicial
purposes

(5) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. 1954, c. 75, s. 3 (4-6).

Adminis-
tration

4.—(1) Each provincial park shall be under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister. 1954, c. 75, s. 5, *amended*.

Idem

(2) Without limiting the generality of subsection 1, the district forester or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his charge,

- (a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;
- (b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;
- (c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
- (d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
- (e) make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public. 1954, c. 75, s. 9 (2), *amended*.

5.—(1) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

(2) Where only the surface rights in lands are received and taken by the Minister under subsection 1 and the mines and minerals are not vested in the Crown, subsection 1 of section 13 does not apply to such lands. *New.*

6.—(1) The Minister may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in a provincial park. 1954, c. 75, s. 22 (1), *amended.*

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through him, has been guilty of a fraud or imposition, or has violated any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made and upon such cancellation all moneys paid in respect of such lease or other agreement shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown. 1954, c. 75, s. 22 (3), *amended.*

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 19 of *The Public Lands Act*. 1954, c. 75, s. 22 (3).

7. Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. 1956, c. 69, s. 2.

8. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger have all the power and authority of a member of the Ontario Provincial Police Force. 1954, c. 75, s. 23.

9. Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in violation of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the magistrate may order the chattel so confiscated to be forfeited to the Crown in right of Ontario,

and after the expiration of thirty days it may be disposed of in such manner as the Minister deems proper. 1956, c. 69, s. 3, *part*.

Roads and trails

10. The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways. 1956, c. 69, s. 3, *part*.

Sale of liquor

R.S.O. 1950, c. 210

11. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* within any provincial park. 1954, c. 75, s. 24.

Conservation of wild life, etc.

R.S.O. 1950, c. 153

12. Subject to *The Game and Fisheries Act* and the regulations thereunder, the Minister may take such measures as he deems proper for the protection of fish, animals and birds and any property of the Crown in any provincial park. 1954, c. 75, s. 26, *amended*.

Prospecting, mining, etc.

13.—(1) Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited.

Licences of occupation

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

No title acquired in surface rights

(3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

Necessary use of surface rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he deems necessary. 1956, c. 69, s. 3, *part*.

Regulations

14.—(1) The Lieutenant-Governor in Council may make regulations,

(a) for the care, preservation, improvement, control and management of the provincial parks;

(b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks;

- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;
- (n) regulating, controlling and licensing guides in provincial parks;

- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in a provincial park;
- (q) providing for the imposition and collection of fees for entrance into a provincial park of persons, vehicles, boats or aircraft;
- (r) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 75, s. 27 (1), *amended*.

Application (2) Any regulation under subsection 1 may be made applicable to all provincial parks or to any provincial park or to any part of a provincial park. 1954, c. 75, s. 27 (2).

Penalty **15.**—(1) Every person who fails to comply with or contravenes any provision of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500.

Restraint by action (2) Where any regulation is contravened, in addition to any other remedy and to any penalty imposed, the contravention may be restrained by action at the instance of the Minister. 1954, c. 75, s. 28 (1, 3), *amended*.

Niagara and St. Lawrence Parks not affected **16.** Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The Ontario-St. Lawrence Development Commission. *New*.

1954, c. 75 (except s. 29 and Sched.); 1956, c. 69, repealed **17.** *The Provincial Parks Act, 1954*, except section 29 and the Schedule thereto, and *The Provincial Parks Amendment Act, 1956* are repealed.

Commencement **18.** This Act comes into force on the day it receives Royal Assent.

Short title **19.** This Act may be cited as *The Provincial Parks Act, 1958*.

The Provincial Parks Act, 1958

1st Reading

February 25th, 1958

2nd Reading

March 4th, 1958

3rd Reading

March 18th, 1958

MR. MAPLEDORAM

No. 110

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Power Commission Act

MR. CONNELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new subsection 3 will authorize the Commission to pay grants in lieu of business taxes at a rate based on 60 per cent of assessed values instead of the present rate which is based on 25 per cent of assessed values.

SECTIONS 2 AND 3. The purpose of section 2 is to provide a uniform, simple, economical and expeditious method of establishing street lighting in townships.

The present outmoded methods are repealed by section 3.

No. 110

1958

BILL

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 45a of *The Power Commission Act*, as enacted by section 5 of *The Power Commission Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 3, re-enacted

- (3) The Commission shall also pay the amount that the current rates on business assessment on lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission would produce based on 60 per cent of the assessed values of such land or buildings as determined under this section. Annual payments to municipalities

2. Sections 81, 82 and 83 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 81, re-enacted; ss. 82, 83, repealed

81.—(1) Notwithstanding anything in this or any other Act, a township may, without petition and without the assent of the electors, pass a by-law for entering into a contract with the Commission for the lighting of streets in the township. Contracts for street lighting in townships

- (2) The by-law may, Contents of by-law
- (a) define one or more street lighting areas in the township;
 - (b) enlarge, reduce or alter the boundaries of any street lighting area in the township;
 - (c) amalgamate any street lighting areas in the township;

(d) provide that the cost of the street lighting works in any street lighting area in the township, including debenture charges, the cost of maintenance and management of the works and the cost of power supplied for street lighting under this Act, shall be assessed and levied on the rateable property in the area, or provide that such part of the cost as to the council seems proper shall be paid by the township and that the remainder of the cost shall be assessed and levied on the rateable property in the area, or provide that the entire cost shall be paid by the township; and

(e) provide that the contract with the Commission shall apply to any street lighting area.

Maps

(3) Any street lighting area may be defined by the use of a map or sketch to be attached to the by-law and the information shown on the map or sketch shall form part of the by-law to the same extent as if included therein.

Power of township to construct works

R.S.O. 1950,
cc. 243, 215

(4) The township may acquire or construct the works necessary for lighting the streets, and for such purpose the township shall have and may exercise all the powers conferred upon townships under *The Municipal Act* or *The Local Improvement Act*.

Power of Commission to construct works

(5) If the contract so provides, the Commission may, on behalf of the township, acquire, construct, extend, reconstruct, maintain, operate and administer any such street lighting works.

Where Part II to apply

(6) The provisions of Part II with respect to the annual payments to be made by any municipality that has entered into a contract with the Commission apply to any contract entered into under this section and extend to all street lighting works constructed under the contract, but do not apply in respect of the capital cost of works acquired or constructed by the township.

R.S.O. 1950,
c. 281,
ss. 94, 95,
repealed

3. Sections 94 and 95 of *The Power Commission Act* are repealed.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

5. This Act may be cited as *The Power Commission Amendment Act, 1958*.

An Act to amend
The Power Commission Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. CONNELL

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Power Commission Act

MR. CONNELL

No. 110

1958

BILL

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 45a of *The Power Commission Act*, as enacted by section 5 of *The Power Commission Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 45a (1952, c. 77, s. 5), subs. 3, re-enacted

- (3) The Commission shall also pay the amount that the current rates on business assessment on lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission would produce based on 60 per cent of the assessed values of such land or buildings as determined under this section. Annual payments to municipalities

2. Sections 81, 82 and 83 of *The Power Commission Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 281, s. 81, re-enacted; ss. 82, 83, repealed

- 81.—(1) Notwithstanding anything in this or any other Act, a township may, without petition and without the assent of the electors, pass a by-law for entering into a contract with the Commission for the lighting of streets in the township. Contracts for street lighting in townships

- (2) The by-law may, Contents of by-law

- (a) define one or more street lighting areas in the township;
- (b) enlarge, reduce or alter the boundaries of any street lighting area in the township;
- (c) amalgamate any street lighting areas in the township;

(d) provide that the cost of the street lighting works in any street lighting area in the township, including debenture charges, the cost of maintenance and management of the works and the cost of power supplied for street lighting under this Act, shall be assessed and levied on the rateable property in the area, or provide that such part of the cost as to the council seems proper shall be paid by the township and that the remainder of the cost shall be assessed and levied on the rateable property in the area, or provide that the entire cost shall be paid by the township; and

(e) provide that the contract with the Commission shall apply to any street lighting area.

Maps

(3) Any street lighting area may be defined by the use of a map or sketch to be attached to the by-law and the information shown on the map or sketch shall form part of the by-law to the same extent as if included therein.

Power of township to construct works

R.S.O. 1950, c. 243, 215

(4) The township may acquire or construct the works necessary for lighting the streets, and for such purpose the township shall have and may exercise all the powers conferred upon townships under *The Municipal Act* or *The Local Improvement Act*.

Power of Commission to construct works

(5) If the contract so provides, the Commission may, on behalf of the township, acquire, construct, extend, reconstruct, maintain, operate and administer any such street lighting works.

Where Part II to apply

(6) The provisions of Part II with respect to the annual payments to be made by any municipality that has entered into a contract with the Commission apply to any contract entered into under this section and extend to all street lighting works constructed under the contract, but do not apply in respect of the capital cost of works acquired or constructed by the township.

R.S.O. 1950, c. 281, ss. 94, 95, repealed

3. Sections 94 and 95 of *The Power Commission Act* are repealed.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

5. This Act may be cited as *The Power Commission Amendment Act, 1958*.

An Act to amend
The Power Commission Act

1st Reading

February 25th, 1958

2nd Reading

March 20th, 1958

3rd Reading

March 27th, 1958

MR. CONNELL

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend
The Administration of Justice Expenses Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The provision repealed applies to the circumstance where a sheriff conveys a sentenced offender to an Ontario reformatory and is obsolete as this duty is performed by officers of the Department of Reform Institutions.

SECTION 2. In agreement with proposed amendments to *The Sheriffs Act* and other legislation to be introduced at this session the reference to sheriffs' responsibility for the custody of prisoners in jails is deleted.

SECTION 3—Subsection 1. The fee of \$1.50 was set in 1926 and is increased to \$3.00 to bring the fee in line with that allowed in corresponding county court matters.

Subsection 2. The allowance of twenty cents a mile is increased to twenty-five cents in northern Ontario to bring the fee in line with that allowed in corresponding county court matters.

BILL

An Act to amend The Administration of Justice Expenses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Administration of Justice Expenses Act* is repealed. R.S.O. 1950,
c. 5, s. 3,
subs. 1,
repealed

2. Paragraph 1 of section 30 of *The Administration of Justice Expenses Act* is amended by striking out "sheriff" in the first line, so that the paragraph shall read as follows: R.S.O. 1950,
c. 5, s. 30,
par. 1,
amended

1. All sums payable to the coroner, jailer, surgeon of the county jail, or to any other officer or person, for the support, care or safe keeping of the prisoners in the county jail, or for the repair and maintenance of the court house or jail.

3.—(1) Item 1 under the heading "SHERIFFS" of Schedule A to *The Administration of Justice Expenses Act* is amended by striking out "\$1.50" and inserting in lieu thereof "\$3.00", so that the item shall read as follows: R.S.O. 1950,
c. 5,
Sched. A,
item 1,
amended

1. Serving subpoena or executing warrant. \$3.00

(2) Item 2 under the heading "SHERIFFS" of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1950,
c. 5,
Sched. A,
item 2,
re-enacted

2. Mileage going to execute warrant or serve subpoena or in returning with prisoner, per mile actually travelled, one way,

(a) in northern Ontario. \$.25

(b) in southern Ontario.20

For the purpose of this item the dividing line between southern Ontario and northern Ontario is as follows:

Highway No. 12 from Penetanguishene through Midland to its junction with No. 7 north of Sunderland, No. 7 eastward to Perth, No. 15 to Carleton Place, No. 29 to Arnprior, No. 17 to Renfrew, the paved county road from Renfrew through Douglas to Pembroke, No. 17 Pembroke to Chalk River; the said highways to be included in southern Ontario.

R.S.O. 1950,
c. 5.
Sched. A,
items 10, 22,
repealed

(3) Items 10 and 22 under the heading "SHERIFFS" of the said Schedule A are repealed.

Short title

4. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1958*.

Subsection 3. The items repealed prescribe the fee to be paid to sheriffs for escorting prisoners destined for an Ontario reformatory and for supervising jails and prisoners confined in jails. The sheriffs will no longer perform these duties.

Bill
An Act to amend
The Administration of Justice Expenses Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to amend
The Administration of Justice Expenses Act

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

SECTION 1. The provision repealed applies to the circumstance where a sheriff conveys a sentenced offender to an Ontario reformatory and is obsolete as this duty is performed by officers of the Department of Reform Institutions.

SECTION 2. In agreement with proposed amendments to *The Sheriffs Act* and other legislation to be introduced at this session the reference to sheriffs' responsibility for the custody of prisoners in jails is deleted.

SECTION 3—Subsection 1. The fee of \$1.50 was set in 1926 and is increased to \$3.00 to bring the fee in line with that allowed in corresponding county court matters.

Subsection 2. The allowance of twenty cents a mile is increased to twenty-five cents in northern Ontario to bring the fee in line with that allowed in corresponding county court matters.

BILL

An Act to amend The Administration of Justice Expenses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Administration of Justice Expenses Act* is repealed. R.S.O. 1950,
c. 5, s. 3,
subs. 1,
repealed

2. Paragraph 1 of section 30 of *The Administration of Justice Expenses Act* is amended by striking out "sheriff" in the first line, so that the paragraph shall read as follows: R.S.O. 1950,
c. 5, s. 30,
amended

1. All sums payable to the coroner, jailer, surgeon of the county jail, or to any other officer or person, for the support, care or safe keeping of the prisoners in the county jail, or for the repair and maintenance of the court house or jail.

3.—(1) Item 1 under the heading "SHERIFFS" of Schedule A to *The Administration of Justice Expenses Act* is amended by striking out "\$1.50" and inserting in lieu thereof "\$3.00", so that the item shall read as follows: R.S.O. 1950,
c. 5,
Sched. A
(Sheriffs),
item 1,
amended

1. Serving subpoena or executing warrant..... \$3.00

(2) Item 2 under the heading "SHERIFFS" of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1950,
c. 5,
Sched. A
(Sheriffs),
item 2,
re-enacted

2. Mileage going to execute warrant or serve subpoena or in returning with prisoner, per mile actually travelled, one way,

(a) in northern Ontario..... \$.25

(b) in southern Ontario..... .20

For the purpose of this item the dividing line between southern Ontario and northern Ontario is as follows:

Highway No. 12 from Penetanguishene through Midland to its junction with No. 7 north of Sunderland, No. 7 eastward to Perth, No. 15 to Carleton Place, No. 29 to Arnprior, No. 17 to Renfrew, the paved county road from Renfrew through Douglas to Pembroke, No. 17 Pembroke to Chalk River; the said highways to be included in southern Ontario.

R.S.O. 1950,
c. 5.
Sched. A
(Sheriffs),
items 3,
10, 22,
repealed

(3) Items 3, 10 and 22 under the heading "SHERIFFS" of the said Schedule A are repealed.

R.S.O. 1950,
c. 5,
Sched. A
(Constables),
item 5,
amended

(4) Item 5 under the heading "CONSTABLES" of the said Schedule A is amended by striking out "6.00" in the third line and inserting in lieu thereof "8.00".

Short title

4. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1958*.

Subsection 3. The items repealed prescribe the fee to be paid to sheriffs for escorting prisoners destined for an Ontario reformatory and for supervising jails and prisoners confined in jails. The sheriffs will no longer perform these duties.

An Act to amend
The Administration of Justice Expenses Act

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

**An Act to amend
The Administration of Justice Expenses Act**

MR. ROBERTS

TORONTO

**PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY**

BILL

An Act to amend The Administration of Justice Expenses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Administration of Justice Expenses Act* is repealed. R.S.O. 1950,
c. 5, s. 3,
subs. 1,
repealed
2. Paragraph 1 of section 30 of *The Administration of Justice Expenses Act* is amended by striking out "sheriff" in the first line, so that the paragraph shall read as follows: R.S.O. 1950,
c. 5, s. 30,
par. 1,
amended

1. All sums payable to the coroner, jailer, surgeon of the county jail, or to any other officer or person, for the support, care or safe keeping of the prisoners in the county jail, or for the repair and maintenance of the court house or jail.

3.—(1) Item 1 under the heading "SHERIFFS" of Schedule A to *The Administration of Justice Expenses Act* is amended by striking out "\$1.50" and inserting in lieu thereof "\$3.00", so that the item shall read as follows: R.S.O. 1950,
c. 5,
Sched. A
(Sheriffs),
item 1,
amended

1. Serving subpoena or executing warrant \$3.00

(2) Item 2 under the heading "SHERIFFS" of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1950,
c. 5,
Sched. A
(Sheriffs),
item 2,
re-enacted

2. Mileage going to execute warrant or serve subpoena or in returning with prisoner, per mile actually travelled, one way,

(a) in northern Ontario \$.25

(b) in southern Ontario20

For the purpose of this item the dividing line between southern Ontario and northern Ontario is as follows:

Highway No. 12 from Penetanguishene through Midland to its junction with No. 7 north of Sunderland, No. 7 eastward to Perth, No. 15 to Carleton Place, No. 29 to Arnprior, No. 17 to Renfrew, the paved county road from Renfrew through Douglas to Pembroke, No. 17 Pembroke to Chalk River; the said highways to be included in southern Ontario.

R.S.O. 1950,
c. 5,
Sched. A
(Sheriffs),
items 3,
10, 22,
repealed

(3) Items 3, 10 and 22 under the heading "SHERIFFS" of the said Schedule A are repealed.

R.S.O. 1950,
c. 5,
Sched. A
(Constables),
item 5,
amended

(4) Item 5 under the heading "CONSTABLES" of the said Schedule A is amended by striking out "6.00" in the third line and inserting in lieu thereof "8.00".

Short title

4. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1958*.

An Act to amend
The Administration of Justice Expenses Act

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 27th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Sheriffs Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

From early times sheriffs have shared in the responsibility for the administration of county jails. Under the present-day administration of jails the sheriff's function is redundant and anomalous. The purpose of the Bill is to relieve sheriffs from responsibility for jails. This measure has been recommended by the Select Committee re Custodial Questions and Reform Institutions, and by the Royal Commission appointed in 1952 to inquire into conditions at the Don Jail.

BILL

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 24 of *The Sheriffs Act* is R.S.O. 1950, amended by striking out “of all prisoners in his custody, and” c. 359, s. 24, in the sixth line and by striking out “prisoners” in the eleventh line, so that the subsection shall read as follows: ^{subs. 1, amended}

(1) Upon the removal of a sheriff from office or upon his resignation and the appointment of his successor, the outgoing sheriff, or, in the event of the death of a sheriff, the deputy sheriff or sheriff *pro tempore* shall forthwith make out and deliver to the incoming sheriff a true and correct list and account, under his hand, of all writs and process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the incoming sheriff the matters intended to be transferred to him, and shall thereupon hand over and transfer to the care and custody of the incoming sheriff all such writs and process, and all records, books and matters appertaining to the office of sheriff. ^{Proceedings on removal, etc., of sheriff}

(2) Subsection 2 of the said section 24 is amended by striking out “for all the prisoners therein mentioned, and transferred to the incoming sheriff, and from the further charge of” in the fourth, fifth and sixth lines and inserting in lieu thereof “from” and by striking out “the prisoners, and with” in the ninth and tenth lines, so that the subsection shall read as follows: ^{R.S.O. 1950, c. 359, s. 24, subs. 2, amended}

(2) The incoming sheriff shall thereupon sign and deliver a duplicate of the list and account to the outgoing sheriff, or to the deputy sheriff, or sheriff *pro tempore*, to whom the same shall be a good and sufficient discharge from the execution of the writs and process mentioned therein, without any writ of discharge or other writ whatsoever, and the incoming ^{Duty of incoming sheriff}

sheriff shall thereupon stand and be fully and effectually charged with the execution and care of the writs and process mentioned in the list and account.

Short title **2.** This Act may be cited as *The Sheriffs Amendment Act, 1958*.

An Act to amend
The Sheriffs Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Sheriffs Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 24 of *The Sheriffs Act* is R.S.O. 1950, amended by striking out “of all prisoners in his custody, and,” ^{subs. 1,} in the sixth line and by striking out “prisoners” in the eleventh ^{amended} line, so that the subsection shall read as follows:

- (1) Upon the removal of a sheriff from office or upon his resignation and the appointment of his successor, the outgoing sheriff, or, in the event of the death of a sheriff, the deputy sheriff or sheriff *pro tempore* shall forthwith make out and deliver to the incoming sheriff a true and correct list and account, under his hand, of all writs and process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the incoming sheriff the matters intended to be transferred to him, and shall thereupon hand over and transfer to the care and custody of the incoming sheriff all such writs and process, and all records, books and matters appertaining to the office of sheriff.

(2) Subsection 2 of the said section 24 is amended by R.S.O. 1950, striking out “for all the prisoners therein mentioned, and” ^{c. 359, s. 24,} transferred to the incoming sheriff, and from the further ^{subs. 2,} charge of” in the fourth, fifth and sixth lines and inserting in ^{amended} lieu thereof “from” and by striking out “the prisoners, and with” in the ninth and tenth lines, so that the subsection shall read as follows:

- (2) The incoming sheriff shall thereupon sign and deliver a duplicate of the list and account to the outgoing sheriff, or to the deputy sheriff, or sheriff *pro tempore*, to whom the same shall be a good and sufficient discharge from the execution of the writs and process mentioned therein, without any writ of discharge or other writ whatsoever, and the incoming

sheriff shall thereupon stand and be fully and effectually charged with the execution and care of the writs and process mentioned in the list and account.

Short title **2.** This Act may be cited as *The Sheriffs Amendment Act, 1958.*

An Act to amend
The Sheriffs Act

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 18th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Fire Departments Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. This amendment will enable a fire chief, in his discretion, to recall fewer than all of the off-duty fire fighters in a serious emergency.

SECTION 2.—Subsection 1. The only new feature of the provision as re-enacted is that all collective bargaining agreements and all decisions and awards of boards of arbitration are expressly required to be in writing.

Subsection 2. At the present time the Act empowers a municipality and a fire fighters' union to enter into a collective bargaining agreement to remain in effect until the end of the year in which it comes into effect and thereafter until replaced by a new agreement.

The purpose of this new subsection is to authorize the parties to agree that the agreement will remain in force until the end of the year next following the year in which it comes into effect and thereafter until replaced by a new agreement.

In short, "two year" agreements as well as "one year" agreements may be made.

No. 113

1958

BILL

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Fire Departments Act* R.S.O. 1950, is amended by striking out "the" in the fourth line, so that c. 138, s. 2, subs. 7, amended the subsection shall read as follows:

(7) Notwithstanding this section, in the case of a serious Recall in emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty full-time fire fighters who are not on duty.

2.—(1) Subsection 1 of section 6 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 138, s. 6, subs. 1, re-enacted

(1) Every agreement under section 4 and every decision or award under section 5 shall be in writing and is binding upon the municipality and the full-time fire fighters. Agreements, etc., to be in writing and binding on the parties

(2) The said section 6, as amended by section 1 of *The Fire Departments Amendment Act, 1955*, is further amended by R.S.O. 1950, c. 138, s. 6, amended adding thereto the following subsection:

(2a) Notwithstanding subsection 2, the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it shall remain in effect for such period and thereafter shall remain in effect until replaced by a new agreement, decision or award. Idem

3. This Act comes into force on the day it receives Royal Assent. Commence-ment

4. This Act may be cited as *The Fire Departments Amendment Act, 1958*. Short title

An Act to amend
The Fire Departments Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

No. 113

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Fire Departments Act

MR. ROBERTS

No. 113

1958

BILL

An Act to amend The Fire Departments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 2 of *The Fire Departments Act* is amended by striking out "the" in the fourth line, so that the subsection shall read as follows: R.S.O. 1950, c. 138, s. 2, subs. 7, amended

(7) Notwithstanding this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty full-time fire fighters who are not on duty. Recall in emergency

2.—(1) Subsection 1 of section 6 of *The Fire Departments Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 138, s. 6, subs. 1, re-enacted

(1) Every agreement under section 4 and every decision or award under section 5 shall be in writing and is binding upon the municipality and the full-time fire fighters. Agreements, etc., to be in writing and binding on the parties

(2) The said section 6, as amended by section 1 of *The Fire Departments Amendment Act, 1955*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 138, s. 6, amended

(2a) Notwithstanding subsection 2, the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it shall remain in effect for such period and thereafter shall remain in effect until replaced by a new agreement, decision or award. Idem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Fire Departments Amendment Act, 1958*. Short title

Am. Act to amend
The Fire Departments Act

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 18th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

The Libel and Slander Act, 1958

MR. ROBERTS



EXPLANATORY NOTES

HISTORICAL: In Ontario, as in England, most of the law of defamation, i.e., libel and slander, is to be found in the common law and the remainder in the statute law. In England all of this law has been under review recently by Parliament with the result that a number of reforms were given effect to in the *Defamation Act, 1952*.

GENERAL: This bill has two purposes, (i) to extend the present Act which, in the main, deals with libels published in newspapers, to libels broadcast by radio and television; and (ii) to put into the Ontario Act such of the provisions of the English Act as are appropriate.

In order to accomplish these purposes conveniently the entire Act is revised and re-arranged.

ARRANGEMENT:

Interpretation—section 1
Libel—sections 2-16
Slander—sections 17-20
Libel and Slander—sections 21-24
Miscellaneous—sections 25-28

SECTION 1—Subsection 1. Clause (a) is new. It is the same definition as appears in the *Canadian Broadcasting Act* and is similar to the definition in the Uniform *Defamation Act* adopted by the Conference of Commissioners on Uniformity of Legislation in Canada.

Clause (b) is the same as subsection 1 of the present Act.

Subsection 2. This subsection is new. It is the same as subsection 1 of section 16 of the *Defamation Act, 1952* (Imperial).

SECTION 2. This section is new.

No. 114

1958

BILL

The Libel and Slander Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

(a) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds, by means of Hertzian waves intended to be received by the public either directly or through the medium of relay stations, and "broadcast" has a corresponding meaning; *New.*

(b) "newspaper" means a paper containing public news, intelligence, or occurrences, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and includes a paper printed in order to be made public weekly or more often or at intervals not exceeding thirty-one days and containing only, or principally, advertisements. R.S.O. 1950, c. 204, s. 1.

(2) Any reference to words in this Act shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning. *New.*

Meaning of
"words"
extended

LIBEL

2. Defamatory words in a newspaper or in a broadcast shall be deemed to be published and to constitute libel. *New.*

what con-
stitutes
libel

Privileged
reports

3.—(1) A fair and accurate report in a newspaper or in a broadcast of any of the following proceedings that are open to the public is privileged, unless it is proved that the publication thereof was made maliciously:

1. The proceedings of any legislative body or any part or committee thereof that may exercise any sovereign power acquired by delegation or otherwise.
2. The proceedings of any administrative body that is constituted by any public authority.
3. The proceedings of any commission of inquiry that is constituted by any public authority.
4. The proceedings of any organization whose members, in whole or in part, represent any public authority.

Idem

(2) A fair and accurate report in a newspaper or in a broadcast of the proceedings of a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern, whether the admission thereto is general or restricted, is privileged, unless it is proved that the publication thereof was made maliciously.

Publicity
releases

(3) The whole or a part or a fair and accurate synopsis in a newspaper or in a broadcast of any report, bulletin, notice or other document issued for the information of the public by or on behalf of any body, commission or organization mentioned in subsection 1 or any meeting mentioned in subsection 2 is privileged, unless it is proved that the publication thereof was made maliciously.

Decisions,
etc., of
certain
types of
association

(4) A fair and accurate report in a newspaper or in a broadcast of the findings or decision of any of the following associations, or any part or committee thereof, being a finding or decision relating to a person who is a member of or is subject, by virtue of any contract, to the control of the association, is privileged, unless it is proved that the publication thereof was made maliciously:

1. An association formed for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication.
2. An association formed for the purpose of promoting or safeguarding the interests of any trade, business,

SECTION 3. This is the same as section 9 of the present Act except that it is extended to include broadcasts and also the group of public bodies specified has been extended.

SECTION 4. This is the same as section 10 of the present Act except that it has been extended to include broadcasts.

SECTION 5—Subsection 1. This is the same as subsection 1 of section 7 of the present Act except that it is extended to libels broadcast.

industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession.

3. An association formed for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercising of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime.

(5) Nothing in this section authorizes any blasphemous, seditious or indecent matter in a newspaper or in a broadcast. ^{Improper matter}

(6) Nothing in this section limits or abridges any privilege ^{Saving} now by law existing.

(7) The protection afforded by this section is not available as a defence in an action for libel if the plaintiff shows that the defendant refused to insert in the newspaper or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. ^{When defendant refuses to publish explanation} R.S.O. 1950, c. 204, s. 9, *amended*.

4.—(1) A fair and accurate report without comment in a newspaper or in a broadcast of proceedings publicly heard before a court of justice, if published in the newspaper or broadcast contemporaneously with such proceedings, is absolutely privileged unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. ^{Report of proceedings in courts}

(2) Nothing in this section authorizes any blasphemous, seditious or indecent matter in a newspaper or in a broadcast. ^{Improper matter} R.S.O. 1950, c. 204, s. 10, *amended*.

5.—(1) No action for libel in a newspaper or in a broadcast lies unless the plaintiff has, within six weeks after the alleged libel has come to his knowledge, given to the defendant notice in writing, specifying the matter complained of, which shall be served in the same manner as a statement of claim or by delivering it to a grown-up person at the chief office of the defendant. ^{Notice of action}

Where plaintiff to recover actual damages only

(2) The plaintiff shall recover only actual damages if it appears on the trial,

- (a) that the alleged libel was published in good faith;
- (b) that the alleged libel did not involve a criminal charge;
- (c) that the publication of the alleged libel took place in mistake or misapprehension of the facts; and
- (d) that a full and fair retraction of any matter therein alleged to be erroneous,
 - (i) was published either in the next regular issue of the newspaper or in any regular issue thereof published within three days after the receipt of the notice mentioned in subsection 1 and was so published in as conspicuous a place and type as was the alleged libel, or
 - (ii) was broadcast either within a reasonable time or within three days after the receipt of the notice mentioned in subsection 1 and was so broadcast as conspicuously as was the alleged libel.

Case of candidate for public office

(3) This section does not apply to the case of a libel against any candidate for public office unless the retraction of the charge is made in a conspicuous manner at least five days before the election. R.S.O. 1950, c. 204, s. 7, *amended*.

Limitation of actions

6. An action for a libel in a newspaper or in a broadcast shall be commenced within three months after the libel has come to the knowledge of the person defamed, but, where such an action is brought within that period, the action may include a claim for any other libel against the plaintiff by the defendant in the same newspaper or broadcast from the same station within a period of one year before the commencement of the action. R.S.O. 1950, c. 204, s. 13, *amended*.

Application of s. 5, subs. 1, and s. 6

7. Subsection 1 of section 5 and section 6 apply only to newspapers printed and published in Ontario and to broadcasts from a station in Ontario. R.S.O. 1950, c. 204, s. 17, *amended*.

Publication of name of publisher, etc.

8.—(1) No defendant in an action for a libel in a newspaper is entitled to the benefit of sections 5 and 6 unless the name of the proprietor and publisher and the address of publication are stated either at the head of the editorials or on the front page of the newspaper.

Subsection 2. This is the same as subsection 2 of section 7 of the present Act except, (i) that it has been extended to libels broadcast; and (ii) the present requirement of clause (b) "that there be reasonable ground to believe that the publication of the libel was for the public benefit" has been deleted.

Subsection 3. This is the same as subsection 3 of section 7 of the present Act.

SECTION 6. This is the same as section 13 of the present Act, except that it is extended to include broadcasts.

SECTION 7. This is the same as section 17 of the present Act.

SECTION 8. This is the same as section 14 of the present Act except that its scope is expressly confined to libels published in newspapers.

SECTION 9—Subsection 1. This is the same as section 6 of the present Act and deals solely with libels in newspapers.

Subsection 2. This is new. It is the same in principle as subsection 1 but applies solely to broadcasts.

SECTION 10. This is the same as section 16 of the present Act except that it is extended to include broadcasts.

SECTION 11. This is the same as section 8 of the present Act.

SECTION 12—Subsection 1. This subsection is the same as subsection 1 of section 5 of the present Act except that it is extended to broadcasting.

(2) The production of a printed copy of a newspaper is *prima facie* evidence of the publication of the printed copy and of the truth of the statements mentioned in subsection 1. Copy of newspaper to be *prima facie* evidence
 R.S.O. 1950, c. 204, s. 14, *amended*.

9.—(1) In an action for a libel in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper a full apology for the libel or, if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff. Newspaper libel, plea in mitigation of damages
 R.S.O. 1950, c. 204, s. 6, *amended*.

(2) In an action for a libel in a broadcast, the defendant may plead in mitigation of damages that the libel was broadcast without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he broadcast a full apology for the libel. Broadcast libel, plea in mitigation of damages
New.

10. In an action for a libel in a newspaper or in a broadcast, the defendant may prove in mitigation of damages that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as that for which such action is brought. Evidence in mitigation of damages
 R.S.O. 1950, c. 204, s. 16, *amended*.

11. A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of any libel to which sections 5 and 9 apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment has the same effect as payment into court in other cases. Payment into court
 R.S.O. 1950, c. 204, s. 8, *amended*.

12.—(1) The court, upon an application by two or more defendants in any two or more actions for the same or substantially the same libel, or for a libel or libels the same or substantially the same in different newspapers or broadcasts, brought by the same person or persons, may make an order for the consolidation of such actions so that they will be tried together, and, after such order has been made and before the trial of such actions, the defendants in any new actions instituted by the same person or persons in respect of any such libel or libels shall also be entitled to be joined in the Consolidation of different actions for same libel

common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. R.S.O. 1950, c. 204, s. 5 (1), *amended*.

Assessment
of damages
and appor-
tionment of
damages
and costs

(2) In a consolidated action under this action, the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and if, the jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, the jury shall apportion the amount of the damages between and against the last-mentioned defendants, and the judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he deems just for the apportionment of the costs between and against such defendants. R.S.O. 1950, c. 204, s. 5 (2), *amended*.

Application

(3) This section does not apply where the libel or libels were contained in an advertisement. R.S.O. 1950, c. 204, s. 5 (3), *amended*.

Security
for costs

13.—(1) In an action for a libel in a newspaper or in a broadcast, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits and that the statements complained of were made in good faith, or that the grounds of action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

Where libel
involves a
criminal
charge

(2) Where the alleged libel involves a criminal charge, the defendant is not entitled to security for costs under this section unless he satisfies the court that the action is trivial or frivolous, or that the circumstances which under section 5 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstances that the matter complained of involves a criminal charge.

Examination
of parties

(3) For the purpose of this section, the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim.

Subsection 2. This subsection is the same as subsection 2 of section 5 of the present Act.

Subsection 3. This subsection is re-written to extend its principle to advertisements broadcast.

SECTION 13. This is the same as section 11 of the present Act except that it is extended to include broadcasts.

SECTION 14. This is the same as section 12 of the present Act except that it is extended to include broadcasts.

SECTION 15. This section is the same as section 4 of the present Act.

SECTION 16. There is some doubt as to whether a libel insurance policy (i.e., an agreement between a publisher and an insurance company whereby the company agrees to indemnify the publisher for any loss he may suffer as a result of publishing a libel) is a valid agreement, the suggestion being made that such an agreement is void on the grounds of public policy. In order to remove all possibility of doubt, this new section is put into the Ontario Act. It is the same as section 11 of the *Defamation Act, 1952* (Imperial).

SECTION 17. This is the same as section 18 of the present Act.

SECTION 18. In order to have a right of action for slander without proof of special damage under the present law of Ontario, it is essential that the words should be spoken of the plaintiff in the way of his office, profession, etc.

This new section, which is the same as section 2 of the *Defamation Act, 1952* (Imperial), will change the law so that any words naturally tending to injure or prejudice the reputation of the plaintiff in his office, profession, etc., are actionable without proof of special damage whether or not they are spoken of him in the way of his office, profession, etc.

(4) An order made under this section by a judge of the Supreme Court is final and is not subject to appeal, but, where the order is made by a local judge, an appeal therefrom lies to a judge of the Supreme Court sitting in chambers, whose order is final and is not subject to appeal. R.S.O. 1950, c. 204, s. 11, *amended*. When order of judge respecting security final

14. An action for a libel in a newspaper or in a broadcast shall be tried in the county where the chief office of the newspaper or broadcasting station is, or in the county where the plaintiff resides at the time the action is brought; but, upon the application of either party, the court may direct the action to be tried, or the damages to be assessed, in any other county if it appears to be in the interests of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper. R.S.O. 1950, c. 204, s. 12, *amended*. Place of trial

15. On the trial of an action for libel, the jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action, but the court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on such issue find a special verdict, if they think fit so to do, and the proceedings after verdict, whether general or special, shall be the same as in other cases. R.S.O. 1950, c. 204, s. 4. Verdicts

16. An agreement for indemnifying any person against civil liability for libel is not unlawful. *New.* Agreements for indemnity

SLANDER

17. In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it is not necessary to allege in the plaintiff's statement of claim or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover damages without averment or proof of special damage. R.S.O. 1950, c. 204, s. 18 (1). Slander of women

18. In an action for slander for words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication thereof, it is not necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business. *New.* Slander affecting official, professional or business reputation

Slander of
title, etc.

19. In an action for slander of title, slander of goods or other malicious falsehood, it is not necessary to allege or prove special damage,

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication. *New.*

Security
for costs

20.—(1) In an action for slander, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

Examina-
tion of
parties

(2) For the purpose of this section, the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim. R.S.O. 1950, c. 204, s. 18 (2, 3), *amended*.

LIBEL AND SLANDER

Averments

21. In an action for libel or slander, the plaintiff may aver that the words complained of were used in a defamatory sense, specifying the defamatory sense without any prefatory averment to show how the words were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander, and, where the words set forth, with or without the alleged meaning, show a cause of action, the statement of claim is sufficient. R.S.O. 1950, c. 204, s. 2, *amended*.

Apologies

22. In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only, or has suffered judgment by default, or judgment has been

SECTION 19. Under the present law of Ontario, actions on the case, that is, actions for slander of title, slander of goods and other malicious falsehoods intended to cause pecuniary damage, require proof of special damage if they are to succeed.

This new section, which is the same as section 3 of the *Defamation Act, 1952* (Imperial), changes this law by providing that in such an action it is not necessary to plead or prove special damage.

SECTION 20. This is the same as subsections 2 and 3 of section 18 of the present Act except that the language has been brought into line with section 11 of this bill which deals with security for costs in libel actions.

SECTIONS 21 AND 22. These sections are the same as sections 2 and 3, respectively, of the present Act.

SECTION 23. Under the present law of Ontario, it is a good defence in an action for defamation to prove justification, that is, that the words complained of are true in substance and in fact. In order for this defence to succeed, the defendant must prove the truth of the words complained of and, if the words complained of contain a number of distinct charges against the plaintiff, the defendant must prove each separate charge.

This section, which is the same as section 5 of the *Defamation Act, 1952* (Imperial), changes this law and will allow a defendant to succeed in the defence of justification if he proves that so substantial a portion of the defamatory words are true as to lead the court to the view that the remaining words, which have not been proved to be true, do not add appreciably to the injury to the plaintiff's reputation.

SECTION 24. Under the present law of Ontario, it is a good defence in an action for defamation to prove fair comment, that is, that the words complained of are fair comment upon a matter of public interest. In order for this defence to succeed, the defendant must prove *all* the defamatory facts in the material complained of and that he was merely commenting honestly on these facts.

This new section, which is the same as section 6 of the *Defamation Act, 1952* (Imperial), changes this law by broadening the defence of fair comment in the manner stated in the section.

SECTION 25. Self-explanatory.

given against him on motion for judgment on the pleadings, he may give in evidence, in mitigation of damages, that he made or offered a written apology to the plaintiff for such libel or slander before the commencement of the action, or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity. R.S.O. 1950, c. 204, s. 3, *amended*.

23. In an action for libel or slander for words containing ^{Justification} two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges. *New*.

24. In an action for libel or slander for words consisting ^{Fair comment} partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. *New*.

MISCELLANEOUS

25. *The Libel and Slander Act* as re-enacted by this Act ^{Application} applies for the purposes of any proceedings begun after the commencement of this Act regardless of when the cause of action arose and nothing in this Act affects any proceedings begun before the commencement of this Act which shall be continued as though this Act had not been passed.

26. *The Libel and Slander Act* is repealed.

R.S.O. 1950,
c. 204,
repealed

27. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant-Governor by his Proclamation. ^{ment}

28. This Act may be cited as *The Libel and Slander Act*, ^{Short title} 1958.

The Libel and Slander Act, 1958

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
The Libel and Slander Act, 1958

MR. ROBERTS

(Reprinted as amended by the Committee on Legal Bills)

EXPLANATORY NOTES

HISTORICAL: In Ontario, as in England, most of the law of defamation, i.e., libel and slander, is to be found in the common law and the remainder in the statute law. In England all of this law has been under review recently by Parliament with the result that a number of reforms were given effect to in the *Defamation Act, 1952*.

GENERAL: This bill has two purposes, (i) to extend the present Act which, in the main, deals with libels published in newspapers, to libels broadcast by radio and television; and (ii) to put into the Ontario Act such of the provisions of the English Act as are appropriate.

In order to accomplish these purposes conveniently the entire Act is revised and re-arranged.

ARRANGEMENT:

Interpretation—section 1
Libel—sections 2-16
Slander—sections 17-20
Libel and Slander—sections 21-24
Miscellaneous—sections 25-28

SECTION 1—Subsection 1. Clause (a) is new. It is the same definition as appears in the *Canadian Broadcasting Act* and is similar to the definition in the Uniform *Defamation Act* adopted by the Conference of Commissioners on Uniformity of Legislation in Canada.

Clause (b) is the same as subsection 1 of the present Act.

Subsection 2. This subsection is new. It is the same as subsection 1 of section 16 of the *Defamation Act, 1952* (Imperial).

SECTION 2. This section is new.

BILL

The Libel and Slander Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

(a) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds, by means of Hertzian waves intended to be received by the public either directly or through the medium of relay stations, and "broadcast" has a corresponding meaning; *New.*

(b) "newspaper" means a paper containing public news, intelligence, or occurrences, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and includes a paper printed in order to be made public weekly or more often or at intervals not exceeding thirty-one days and containing only, or principally, advertisements. R.S.O. 1950, c. 204, s. 1.

(2) Any reference to words in this Act shall be construed ^{Meaning of} as including a reference to pictures, visual images, gestures ^{"words"} extended and other methods of signifying meaning. *New.*

LIBEL

2. Defamatory words in a newspaper or in a broadcast ^{What con-} shall be deemed to be published and to constitute libel. *New.* ^{stitutes} libel

Privileged
reports

3.—(1) A fair and accurate report in a newspaper or in a broadcast of any of the following proceedings that are open to the public is privileged, unless it is proved that the publication thereof was made maliciously:

1. The proceedings of any legislative body or any part or committee thereof in the British Commonwealth that may exercise any sovereign power acquired by delegation or otherwise.
2. The proceedings of any administrative body that is constituted by any public authority in Canada.
3. The proceedings of any commission of inquiry that is constituted by any public authority in the British Commonwealth.
4. The proceedings of any organization whose members, in whole or in part, represent any public authority in Canada.

Idem

(2) A fair and accurate report in a newspaper or in a broadcast of the proceedings of a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern, whether the admission thereto is general or restricted, is privileged, unless it is proved that the publication thereof was made maliciously.

Publicity
releases

(3) The whole or a part or a fair and accurate synopsis in a newspaper or in a broadcast of any report, bulletin, notice or other document issued for the information of the public by or on behalf of any body, commission or organization mentioned in subsection 1 or any meeting mentioned in subsection 2 is privileged, unless it is proved that the publication thereof was made maliciously.

Decisions,
etc., of
certain
types of
association

(4) A fair and accurate report in a newspaper or in a broadcast of the findings or decision of any of the following associations, or any part or committee thereof, being a finding or decision relating to a person who is a member of or is subject, by virtue of any contract, to the control of the association, is privileged, unless it is proved that the publication thereof was made maliciously:

1. An association formed in Canada for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication.

SECTION 3. This is the same as section 9 of the present Act except that it is extended to include broadcasts and also the group of public bodies specified has been extended.

SECTION 4. This is the same as section 10 of the present Act except that it has been extended to include broadcasts.

SECTION 5—Subsection 1. This is the same as subsection 1 of section 7 of the present Act except that it is extended to libels broadcast.

2. An association formed in Canada for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession.
3. An association formed in Canada for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercising of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime.

(5) Nothing in this section authorizes any blasphemous, Improper
seditious or indecent matter in a newspaper or in a broadcast. matter

(6) Nothing in this section limits or abridges any privilege Saving
now by law existing or protects the publication of any matter
not of public concern or the publication of which is not for
the public benefit.

(7) The protection afforded by this section is not available When
as a defence in an action for libel if the plaintiff shows that defendant
the defendant refused to insert in the newspaper or to broad- refuses to
cast, as the case may be, a reasonable statement of explanation publish
or contradiction by or on behalf of the plaintiff. explanation
R.S.O. 1950,
c. 204, s. 9, *amended*.

4.—(1) A fair and accurate report without comment in a Report of
newspaper or in a broadcast of proceedings publicly heard proceedings
before a court of justice, if published in the newspaper or in courts
broadcast contemporaneously with such proceedings, is
absolutely privileged unless the defendant has refused or
neglected to insert in the newspaper in which the report
complained of appeared or to broadcast, as the case may be,
a reasonable statement of explanation or contradiction by
or on behalf of the plaintiff.

(2) Nothing in this section authorizes any blasphemous, Improper
seditious or indecent matter in a newspaper or in a broadcast. matter
R.S.O. 1950, c. 204, s. 10, *amended*.

5.—(1) No action for libel in a newspaper or in a broadcast Notice of
lies unless the plaintiff has, within six weeks after the alleged action
libel has come to his knowledge, given to the defendant notice
in writing, specifying the matter complained of, which shall

be served in the same manner as a statement of claim or by delivering it to a grown-up person at the chief office of the defendant.

Where
plaintiff
to recover
actual
damages
only

(2) The plaintiff shall recover only actual damages if it appears on the trial,

- (a) that the alleged libel was published in good faith;
- (b) that the alleged libel did not involve a criminal charge;
- (c) that the publication of the alleged libel took place in mistake or misapprehension of the facts; and
- (d) that a full and fair retraction of any matter therein alleged to be erroneous,
 - (i) was published either in the next regular issue of the newspaper or in any regular issue thereof published within three days after the receipt of the notice mentioned in subsection 1 and was so published in as conspicuous a place and type as was the alleged libel, or
 - (ii) was broadcast either within a reasonable time or within three days after the receipt of the notice mentioned in subsection 1 and was so broadcast as conspicuously as was the alleged libel.

Case of
candidate
for public
office

(3) This section does not apply to the case of a libel against any candidate for public office unless the retraction of the charge is made in a conspicuous manner at least five days before the election. R.S.O. 1950, c. 204, s. 7, *amended*.

Limitation
of actions

6. An action for a libel in a newspaper or in a broadcast shall be commenced within three months after the libel has come to the knowledge of the person defamed, but, where such an action is brought within that period, the action may include a claim for any other libel against the plaintiff by the defendant in the same newspaper or the same broadcasting station within a period of one year before the commencement of the action. R.S.O. 1950, c. 204, s. 13, *amended*.

Application
of s. 5,
subs. 1, and
s. 6

7. Subsection 1 of section 5 and section 6 apply only to newspapers printed and published in Ontario and to broadcasts from a station in Ontario. R.S.O. 1950, c. 204, s. 17, *amended*.

Subsection 2. This is the same as subsection 2 of section 7 of the present Act except, (i) that it has been extended to libels broadcast; and (ii) the present requirement of clause (b) "that there be reasonable ground to believe that the publication of the libel was for the public benefit" has been deleted.

Subsection 3. This is the same as subsection 3 of section 7 of the present Act.

SECTION 6. This is the same as section 13 of the present Act, except that it is extended to include broadcasts.

SECTION 7. This is the same as section 17 of the present Act.

SECTION 8. This is the same as section 14 of the present Act except that its scope is expressly confined to libels published in newspapers.

SECTION 9—Subsection 1. This is the same as section 6 of the present Act and deals solely with libels in newspapers.

Subsection 2. This is new. It is the same in principle as subsection 1 but applies solely to broadcasts.

SECTION 10. This is the same as section 16 of the present Act except that it is extended to include broadcasts.

8.—(1) No defendant in an action for a libel in a newspaper is entitled to the benefit of sections 5 and 6 unless the names of the proprietor and publisher and the address of publication are stated either at the head of the editorials or on the front page of the newspaper. Publication of name of publisher, etc.

(2) The production of a printed copy of a newspaper is *prima facie* evidence of the publication of the printed copy and of the truth of the statements mentioned in subsection 1. Copy of newspaper to be *prima facie* evidence R.S.O. 1950, c. 204, s. 14, *amended*.

(3) Where a person, by registered letter containing his address and addressed to a broadcasting station, alleges that a libel against him has been broadcast from the station and requests the name and address of the owner or operator of the station or the names and addresses of the owner and the operator of the station, sections 5 and 6 do not apply with respect to an action by such person against such owner or operator for the alleged libel unless the person whose name and address are so requested delivers the requested information to the first-mentioned person, or mails it by registered letter addressed to him, within ten days from the date on which the first-mentioned registered letter is received at the broadcasting station. *New.* Where ss. 5, 6 not to apply

9.—(1) In an action for a libel in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper a full apology for the libel or, if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff. R.S.O. 1950, c. 204, s. 6, *amended*. Newspaper libel, plea in mitigation of damages

(2) In an action for a libel in a broadcast, the defendant may plead in mitigation of damages that the libel was broadcast without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he broadcast a full apology for the libel. *New.* Broadcast libel, plea in mitigation of damages

10. In an action for a libel in a newspaper or in a broadcast, the defendant may prove in mitigation of damages that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as that for which such action is brought. R.S.O. 1950, c. 204, s. 16, *amended*. Evidence in mitigation of damages

Payment
into court

11. A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of any libel to which sections 5 and 9 apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment has the same effect as payment into court in other cases. R.S.O. 1950, c. 204, s. 8, *amended*.

Consolidation of
different
actions for
same libel

12.—(1) The court, upon an application by two or more defendants in any two or more actions for the same or substantially the same libel, or for a libel or libels the same or substantially the same in different newspapers or broadcasts, brought by the same person or persons, may make an order for the consolidation of such actions so that they will be tried together, and, after such order has been made and before the trial of such actions, the defendants in any new actions instituted by the same person or persons in respect of any such libel or libels shall also be entitled to be joined in the common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. R.S.O. 1950, c. 204, s. 5 (1), *amended*.

Assessment
of damages
and apportionment
of damages
and costs

(2) In a consolidated action under this section, the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and, if the jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, the jury shall apportion the amount of the damages between and against the last-mentioned defendants, and the judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he deems just for the apportionment of the costs between and against such defendants. R.S.O. 1950, c. 204, s. 5 (2), *amended*.

Application

(3) This section does not apply where the libel or libels were contained in an advertisement. R.S.O. 1950, c. 204, s. 5 (3), *amended*.

Security
for costs

13.—(1) In an action for a libel in a newspaper or in a broadcast, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits and that the statements complained of were made in good faith, or that the grounds of

SECTION 11. This is the same as section 8 of the present Act.

SECTION 12—Subsection 1. This subsection is the same as subsection 1 of section 5 of the present Act except that it is extended to broadcasting.

Subsection 2. This subsection is the same as subsection 2 of section 5 of the present Act.

Subsection 3. This subsection is re-written to extend its principle to advertisements broadcast.

SECTION 13. This is the same as section 11 of the present Act except that it is extended to include broadcasts.

SECTION 14. This is the same as section 12 of the present Act except that it is extended to include broadcasts.

SECTION 15. This section is the same as section 4 of the present Act.

SECTION 16. There is some doubt as to whether a libel insurance policy (i.e., an agreement between a publisher and an insurance company whereby the company agrees to indemnify the publisher for any loss he may suffer as a result of publishing a libel) is a valid agreement, the suggestion being made that such an agreement is void on the grounds of public policy. In order to remove all possibility of doubt, this new section is put into the Ontario Act. It is the same as section 11 of the *Defamation Act, 1952* (Imperial).

action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

(2) Where the alleged libel involves a criminal charge, the defendant is not entitled to security for costs under this section unless he satisfies the court that the action is trivial or frivolous, or that the circumstances which under section 5 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstances that the matter complained of involves a criminal charge. Where libel involves a criminal charge

(3) For the purpose of this section, the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim. Examination of parties

(4) An order made under this section by a judge of the Supreme Court is final and is not subject to appeal, but, where the order is made by a local judge, an appeal therefrom lies to a judge of the Supreme Court sitting in chambers, whose order is final and is not subject to appeal. R.S.O. 1950, c. 204, s. 11, *amended*. When order of judge respecting security final

14. An action for a libel in a newspaper or in a broadcast shall be tried in the county where the chief office of the newspaper or broadcasting station is, or in the county where the plaintiff resides at the time the action is brought; but, upon the application of either party, the court may direct the action to be tried, or the damages to be assessed, in any other county if it appears to be in the interests of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper. R.S.O. 1950, c. 204, s. 12, *amended*. Place of trial

15. On the trial of an action for libel, the jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action, but the court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on such issue find a special verdict, if they think fit so to do, and the proceedings after verdict, whether general or special, shall be the same as in other cases. R.S.O. 1950, c. 204, s. 4. Verdicts

16. An agreement for indemnifying any person against civil liability for libel is not unlawful. *New.* Agreements for indemnity

SLANDER

Slander of
women

17. In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it is not necessary to allege in the plaintiff's statement of claim or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover damages without averment or proof of special damage. R.S.O. 1950, c. 204, s. 18 (1).

Slander
affecting
official,
professional
or business
reputation

18. In an action for slander for words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication thereof, it is not necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business, and the plaintiff may recover damages without averment or proof of special damage. *New.*

Slander of
title, etc.

19. In an action for slander of title, slander of goods or other malicious falsehood, it is not necessary to allege or prove special damage,

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication,

and the plaintiff may recover damages without averment or proof of special damage. *New.*

Security
for costs

20.—(1) In an action for slander, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

SECTION 17. This is the same as section 18 of the present Act.

SECTION 18. In order to have a right of action for slander without proof of special damage under the present law of Ontario, it is essential that the words should be spoken of the plaintiff in the way of his office, profession, etc.

This new section, which is the same as section 2 of the *Defamation Act, 1952* (Imperial), will change the law so that any words naturally tending to injure or prejudice the reputation of the plaintiff in his office, profession, etc., are actionable without proof of special damage whether or not they are spoken of him in the way of his office, profession, etc.

SECTION 19. Under the present law of Ontario, actions on the case, that is, actions for slander of title, slander of goods and other malicious falsehoods intended to cause pecuniary damage, require proof of special damage if they are to succeed.

This new section, which is the same as section 3 of the *Defamation Act, 1952* (Imperial), changes this law by providing that in such an action it is not necessary to plead or prove special damage.

SECTION 20. This is the same as subsections 2 and 3 of section 18 of the present Act except that the language has been brought into line with section 11 of this bill which deals with security for costs in libel actions.

SECTIONS 21 AND 22. These sections are the same as sections 2 and 3, respectively, of the present Act.

SECTION 23. Under the present law of Ontario, it is a good defence in an action for defamation to prove justification, that is, that the words complained of are true in substance and in fact. In order for this defence to succeed, the defendant must prove the truth of the words complained of and, if the words complained of contain a number of distinct charges against the plaintiff, the defendant must prove each separate charge.

This section, which is the same as section 5 of the *Defamation Act, 1952* (Imperial), changes this law and will allow a defendant to succeed in the defence of justification if he proves that so substantial a portion of the defamatory words are true as to lead the court to the view that the remaining words, which have not been proved to be true, do not add appreciably to the injury to the plaintiff's reputation.

SECTION 24. Under the present law of Ontario, it is a good defence in an action for defamation to prove fair comment, that is, that the words complained of are fair comment upon a matter of public interest. In order for this defence to succeed, the defendant must prove *all* the defamatory facts in the material complained of and that he was merely commenting honestly on these facts.

This new section, which is the same as section 6 of the *Defamation Act, 1952* (Imperial), changes this law by broadening the defence of fair comment in the manner stated in the section.

SECTION 25. Self-explanatory.

(2) For the purpose of this section, the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim. R.S.O. 1950, c. 204, s. 18 (2, 3), *amended*. Examination of parties

LIBEL AND SLANDER

21. In an action for libel or slander, the plaintiff may aver that the words complained of were used in a defamatory sense, specifying the defamatory sense without any prefatory averment to show how the words were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander, and, where the words set forth, with or without the alleged meaning, show a cause of action, the statement of claim is sufficient. R.S.O. 1950, c. 204, s. 2, *amended*. Averments

22. In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only, or has suffered judgment by default, or judgment has been given against him on motion for judgment on the pleadings, he may give in evidence, in mitigation of damages, that he made or offered a written apology to the plaintiff for such libel or slander before the commencement of the action, or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity. R.S.O. 1950, c. 204, s. 3, *amended*. Apologies

23. In an action for libel or slander for words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges. *New*. Justification

24. In an action for libel or slander for words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. *New*. Fair comment

MISCELLANEOUS

25. This Act applies for the purposes of any proceedings begun after the commencement of this Act regardless of when the cause of action arose and nothing in this Act affects any Application

proceedings begun before the commencement of this Act, which proceedings shall be continued as though this Act had not been passed.

R.S.O. 1950,
c. 204,
repealed

26. *The Libel and Slander Act* is repealed.

Commence-
ment

27. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

28. This Act may be cited as *The Libel and Slander Act, 1958*.

The Libel and Slander Act, 1958

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

MR. ROBERTS

(Reprinted as amended by the
Committee on Legal Bills)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

The Libel and Slander Act, 1958

MR. ROBERTS

No. 114

1958

BILL

The Libel and Slander Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

(a) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds, by means of Hertzian waves intended to be received by the public either directly or through the medium of relay stations, and "broadcast" has a corresponding meaning; *New.*

(b) "newspaper" means a paper containing public news, intelligence, or occurrences, or remarks or observations thereon, printed for sale and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and includes a paper printed in order to be made public weekly or more often or at intervals not exceeding thirty-one days and containing only, or principally, advertisements. R.S.O. 1950, c. 204, s. 1.

(2) Any reference to words in this Act shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning. *New.* Meaning of
"words" extended

LIBEL

2. Defamatory words in a newspaper or in a broadcast shall be deemed to be published and to constitute libel. *New.* What con-
stitutes
libel

Privileged
reports

3.—(1) A fair and accurate report in a newspaper or in a broadcast of any of the following proceedings that are open to the public is privileged, unless it is proved that the publication thereof was made maliciously:

1. The proceedings of any legislative body or any part or committee thereof in the British Commonwealth that may exercise any sovereign power acquired by delegation or otherwise.
2. The proceedings of any administrative body that is constituted by any public authority in Canada.
3. The proceedings of any commission of inquiry that is constituted by any public authority in the British Commonwealth.
4. The proceedings of any organization whose members, in whole or in part, represent any public authority in Canada.

Idem

(2) A fair and accurate report in a newspaper or in a broadcast of the proceedings of a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance of discussion of any matter of public concern, whether the admission thereto is general or restricted, is privileged, unless it is proved that the publication thereof was made maliciously.

Publicity
releases

(3) The whole or a part or a fair and accurate synopsis in a newspaper or in a broadcast of any report, bulletin, notice or other document issued for the information of the public by or on behalf of any body, commission or organization mentioned in subsection 1 or any meeting mentioned in subsection 2 is privileged, unless it is proved that the publication thereof was made maliciously.

Decisions,
etc., of
certain
types of
association

(4) A fair and accurate report in a newspaper or in a broadcast of the findings or decision of any of the following associations, or any part or committee thereof, being a finding or decision relating to a person who is a member of or is subject, by virtue of any contract, to the control of the association, is privileged, unless it is proved that the publication thereof was made maliciously:

1. An association formed in Canada for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication.

2. An association formed in Canada for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession.
3. An association formed in Canada for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercising of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime.

(5) Nothing in this section authorizes any blasphemous, seditious or indecent matter in a newspaper or in a broadcast. Improper matter

(6) Nothing in this section limits or abridges any privilege now by law existing or protects the publication of any matter not of public concern or the publication of which is not for the public benefit. Saving

(7) The protection afforded by this section is not available as a defence in an action for libel if the plaintiff shows that the defendant refused to insert in the newspaper or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. When defendant refuses to publish explanation R.S.O. 1950, c. 204, s. 9, *amended*.

4.—(1) A fair and accurate report without comment in a newspaper or in a broadcast of proceedings publicly heard before a court of justice, if published in the newspaper or broadcast contemporaneously with such proceedings, is absolutely privileged unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared or to broadcast, as the case may be, a reasonable statement of explanation or contradiction by or on behalf of the plaintiff. Report of proceedings in courts

(2) Nothing in this section authorizes any blasphemous, seditious or indecent matter in a newspaper or in a broadcast. Improper matter R.S.O. 1950, c. 204, s. 10, *amended*.

5.—(1) No action for libel in a newspaper or in a broadcast lies unless the plaintiff has, within six weeks after the alleged libel has come to his knowledge, given to the defendant notice in writing, specifying the matter complained of, which shall Notice of action

be served in the same manner as a statement of claim or by delivering it to a grown-up person at the chief office of the defendant.

Where
plaintiff
to recover
actual
damages
only

(2) The plaintiff shall recover only actual damages if it appears on the trial,

- (a) that the alleged libel was published in good faith;
- (b) that the alleged libel did not involve a criminal charge;
- (c) that the publication of the alleged libel took place in mistake or misapprehension of the facts; and
- (d) that a full and fair retraction of any matter therein alleged to be erroneous,
 - (i) was published either in the next regular issue of the newspaper or in any regular issue thereof published within three days after the receipt of the notice mentioned in subsection 1 and was so published in as conspicuous a place and type as was the alleged libel, or
 - (ii) was broadcast either within a reasonable time or within three days after the receipt of the notice mentioned in subsection 1 and was so broadcast as conspicuously as was the alleged libel.

Case of
candidate
for public
office

(3) This section does not apply to the case of a libel against any candidate for public office unless the retraction of the charge is made in a conspicuous manner at least five days before the election. R.S.O. 1950, c. 204, s. 7, *amended*.

Limitation
of actions

6. An action for a libel in a newspaper or in a broadcast shall be commenced within three months after the libel has come to the knowledge of the person defamed, but, where such an action is brought within that period, the action may include a claim for any other libel against the plaintiff by the defendant in the same newspaper or the same broadcasting station within a period of one year before the commencement of the action. R.S.O. 1950, c. 204, s. 13, *amended*.

Application
of s. 5,
subs. 1, and
s. 6

7. Subsection 1 of section 5 and section 6 apply only to newspapers printed and published in Ontario and to broadcasts from a station in Ontario. R.S.O. 1950, c. 204, s. 17, *amended*.

8.—(1) No defendant in an action for a libel in a newspaper is entitled to the benefit of sections 5 and 6 unless the names of the proprietor and publisher and the address of publication are stated either at the head of the editorials or on the front page of the newspaper. Publication of name of publisher, etc.

(2) The production of a printed copy of a newspaper is *prima facie* evidence of the publication of the printed copy and of the truth of the statements mentioned in subsection 1. Copy of newspaper to be prima facie evidence
R.S.O. 1950, c. 204, s. 14, *amended*.

(3) Where a person, by registered letter containing his address and addressed to a broadcasting station, alleges that a libel against him has been broadcast from the station and requests the name and address of the owner or operator of the station or the names and addresses of the owner and the operator of the station, sections 5 and 6 do not apply with respect to an action by such person against such owner or operator for the alleged libel unless the person whose name and address are so requested delivers the requested information to the first-mentioned person, or mails it by registered letter addressed to him, within ten days from the date on which the first-mentioned registered letter is received at the broadcasting station. *New.* Where ss. 5, 6 not to apply

9.—(1) In an action for a libel in a newspaper, the defendant may plead in mitigation of damages that the libel was inserted therein without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper a full apology for the libel or, if the newspaper in which the libel appeared is one ordinarily published at intervals exceeding one week, that he offered to publish the apology in any newspaper to be selected by the plaintiff. R.S.O. 1950, c. 204, s. 6, *amended*. Newspaper libel, plea in mitigation of damages

(2) In an action for a libel in a broadcast, the defendant may plead in mitigation of damages that the libel was broadcast without actual malice and without gross negligence and that before the commencement of the action, or at the earliest opportunity afterwards, he broadcast a full apology for the libel. *New.* Broadcast libel, plea in mitigation of damages

10. In an action for a libel in a newspaper or in a broadcast, the defendant may prove in mitigation of damages that the plaintiff has already brought actions for, or has recovered damages, or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as that for which such action is brought. R.S.O. 1950, c. 204, s. 16, *amended*. Evidence in mitigation of damages

Payment
into court

11. A defendant may pay into court with his defence a sum of money by way of amends for the injury sustained by the publication of any libel to which sections 5 and 9 apply, and, except so far as regards the additional facts hereinbefore required to be pleaded by a defendant, such payment has the same effect as payment into court in other cases. R.S.O. 1950, c. 204, s. 8, *amended*.

Consolidation of
different
actions for
same libel

12.—(1) The court, upon an application by two or more defendants in any two or more actions for the same or substantially the same libel, or for a libel or libels the same or substantially the same in different newspapers or broadcasts, brought by the same person or persons, may make an order for the consolidation of such actions so that they will be tried together, and, after such order has been made and before the trial of such actions, the defendants in any new actions instituted by the same person or persons in respect of any such libel or libels shall also be entitled to be joined in the common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated. R.S.O. 1950, c. 204, s. 5 (1), *amended*.

Assessment
of damages
and apportionment
of
damages
and costs

(2) In a consolidated action under this section, the jury shall assess the whole amount of the damages, if any, in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately, and, if the jury finds a verdict against the defendant or defendants in more than one of the actions so consolidated, the jury shall apportion the amount of the damages between and against the last-mentioned defendants, and the judge at the trial, in the event of the plaintiff being awarded the costs of the action, shall thereupon make such order as he deems just for the apportionment of the costs between and against such defendants. R.S.O. 1950, c. 204, s. 5 (2), *amended*.

Application

(3) This section does not apply where the libel or libels were contained in an advertisement. R.S.O. 1950, c. 204, s. 5 (3), *amended*.

Security
for costs

13.—(1) In an action for a libel in a newspaper or in a broadcast, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits and that the statements complained of were made in good faith, or that the grounds of

action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

(2) Where the alleged libel involves a criminal charge, the defendant is not entitled to security for costs under this section unless he satisfies the court that the action is trivial or frivolous, or that the circumstances which under section 5 entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstances that the matter complained of involves a criminal charge. Where libel involves a criminal charge

(3) For the purpose of this section, the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim. Examination of parties

(4) An order made under this section by a judge of the Supreme Court is final and is not subject to appeal, but, where the order is made by a local judge, an appeal therefrom lies to a judge of the Supreme Court sitting in chambers, whose order is final and is not subject to appeal. When order of judge respecting security final R.S.O. 1950, c. 204, s. 11, *amended*.

14. An action for a libel in a newspaper or in a broadcast shall be tried in the county where the chief office of the newspaper or broadcasting station is, or in the county where the plaintiff resides at the time the action is brought; but, upon the application of either party, the court may direct the action to be tried, or the damages to be assessed, in any other county if it appears to be in the interests of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper. Place of trial R.S.O. 1950, c. 204, s. 12, *amended*.

15. On the trial of an action for libel, the jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action, but the court shall, according to its discretion, give its opinion and directions to the jury on the matter in issue as in other cases, and the jury may on such issue find a special verdict, if they think fit so to do, and the proceedings after verdict, whether general or special, shall be the same as in other cases. Verdicts R.S.O. 1950, c. 204, s. 4.

16. An agreement for indemnifying any person against civil liability for libel is not unlawful. *New.* Agreements for indemnity

SLANDER

Slander of
women

17. In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it is not necessary to allege in the plaintiff's statement of claim or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover damages without averment or proof of special damage. R.S.O. 1950, c. 204, s. 18 (1).

Slander
affecting
official,
professional
or business
reputation

18. In an action for slander for words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication thereof, it is not necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business, and the plaintiff may recover damages without averment or proof of special damage. *New.*

Slander of
title, etc.

19. In an action for slander of title, slander of goods or other malicious falsehood, it is not necessary to allege or prove special damage,

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication,

and the plaintiff may recover damages without averment or proof of special damage. *New.*

Security
for costs

20.—(1) In an action for slander, the defendant may, at any time after the delivery of the statement of claim or the expiry of the time within which it should have been delivered, apply to the court for security for costs, upon notice and an affidavit by the defendant or his agent showing the nature of the action and of the defence, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case judgment is given in favour of the defendant, that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous, and the court may make an order for the plaintiff to give security for costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario, and the order is a stay of proceedings until the security is given.

(2) For the purpose of this section, the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim. R.S.O. 1950, c. 204, s. 18 (2, 3), *amended*. Examination of parties

LIBEL AND SLANDER

21. In an action for libel or slander, the plaintiff may aver that the words complained of were used in a defamatory sense, specifying the defamatory sense without any prefatory averment to show how the words were used in that sense, and the averment shall be put in issue by the denial of the alleged libel or slander, and, where the words set forth, with or without the alleged meaning, show a cause of action, the statement of claim is sufficient. R.S.O. 1950, c. 204, s. 2, *amended*. Averments

22. In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only, or has suffered judgment by default, or judgment has been given against him on motion for judgment on the pleadings, he may give in evidence, in mitigation of damages, that he made or offered a written apology to the plaintiff for such libel or slander before the commencement of the action, or, if the action was commenced before there was an opportunity of making or offering such apology, that he did so as soon afterwards as he had an opportunity. R.S.O. 1950, c. 204, s. 3, *amended*. Apologies

23. In an action for libel or slander for words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges. *New*. Justification

24. In an action for libel or slander for words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. *New*. Fair comment

MISCELLANEOUS

25. This Act applies for the purposes of any proceedings begun after the commencement of this Act regardless of when the cause of action arose and nothing in this Act affects any Application

proceedings begun before the commencement of this Act, which proceedings shall be continued as though this Act had not been passed.

R.S.O. 1950,
c. 204,
repealed

26. *The Libel and Slander Act* is repealed.

Commence-
ment

27. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

28. This Act may be cited as *The Libel and Slander Act, 1958*.

The Libel and Slander Act, 1958

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 27th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
The Private Investigators Act, 1958

MR. ROBERTS

EXPLANATORY NOTE

This Bill contains a complete revision of this Act. It was last revised in 1926.

The provisions of the bill are self-explanatory.

The new principles are indicated by the reference "New" at the end of the provisions that are new.

BILL

The Private Investigators Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means Commissioner of Police for Ontario;
- (b) "licence" means licence under this Act and includes a temporary licence under this Act;
- (c) "private investigator" means a person who investigates and furnishes information;
- (d) "regulations" means regulations made under this Act;
- (e) "Treasurer" means Treasurer of Ontario. *New.*

2. Nothing in this Act applies to or affects,

Where Act
not to
apply

- (a) barristers or solicitors in the practice of their profession and their employees;
- (b) persons engaged in the business of furnishing information to subscribers as to the financial rating of persons and the employees of persons so engaged;
- (c) any class of persons exempted under the regulations. R.S.O. 1950, c. 287, ss. 3, 11, *amended*.

3. No person shall engage in the business of a private investigator for hire or reward without a licence so to do. R.S.O. 1950, c. 287, ss. 1, 2, *amended*.

Licences
to engage
in business

4. No person shall act as a private investigator as an employee or agent of a person who is engaged in the business of a private investigator without a licence so to do. *New.*

Licensing of
employee

Prima facie
evidence

5. A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or is acting as a private investigator is *prima facie* evidence that he is so engaged or acting, as the case may be. *New.*

Application
for licence

6.—(1) Every applicant for a licence to engage in the business of a private investigator shall apply for his own licence and the licences of his employees or agents, if any, who are private investigators upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form.

Type of
bond

(2) The bond shall be,

(a) a personal bond accompanied by collateral security;

R.S.O. 1950,
c. 162

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor other than a guarantee company, accompanied by collateral security.

Collateral
security

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer.

Further
information

(4) The Commissioner may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1950, c. 287, s. 4, *amended*.

Powers of
Commis-
sioner

7. The Commissioner may grant or refuse to grant a licence or any renewal thereof or suspend or revoke any licence where in his opinion such action is in the public interest. R.S.O. 1950, c. 287, s. 5, *part, amended*.

Death of
licensee

8.—(1) Where a person who is licensed to engage in the business of a private investigator dies, the Commissioner may grant to his executor or administrator a temporary licence.

Employees

(2) All licensed employees of such deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. *New.*

Termination
and renewal

9.—(1) Subject to subsections 2 and 3, every licence and renewal of licence terminates on the 31st day of March in each year and every person who is licensed to engage in the

business of a private investigator shall apply, on the prescribed form, for a renewal of his own licence and the licences of his employees and agents, if any, on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for himself and his licensed employees and agents as upon a first application.

(2) The licence of an employee or agent terminates upon his ceasing to be an employee or agent, as the case may be, in which event his licence shall be returned forthwith by his employer to the Commissioner. ^{Termination of employees' licences}

(3) Every temporary licence terminates in accordance with the regulations. *New.* ^{Termination of temporary licence}

10.—(1) The Commissioner shall cause all cash, cheques, money orders and postal notes to be deposited with the Treasurer for payment into the Consolidated Revenue Fund. ^{Fee moneys}

(2) Where an application for a licence or the renewal of a licence is refused or is granted after the 30th day of September in any year, the Commissioner may recommend to the Treasurer that a refund of the fee or a part thereof be made and the Treasurer may make such refund. *New.* ^{Refund}

11. Immediately upon the receipt of a licence, the licensee shall cause it to be displayed in a conspicuous place in the office of the licensee, and for this purpose duplicate licences may be issued where the licensee engages in the business of a private investigator in more than one place. R.S.O. 1950, c. 287, s. 6, *amended.* ^{Licence to be displayed}

12. Where a person who is licensed to engage in the business of a private investigator changes his place of business, he shall, within the twenty-four hours immediately following the change, give written notice by registered mail of the change to the Commissioner. R.S.O. 1950, c. 287, s. 7, *amended.* ^{Change of place of business}

13.—(1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Act except the prescribed identification card issued to him under this Act. ^{Use of badges, etc., prohibited}

(2) Every licensee shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for the inspection of any person who requests the same. ^{Identification card to be carried}

Unauthor-
ized use

(3) No person other than the licensee to whom it has been issued shall have in his possession any prescribed identification card. *New.*

Acting as
police
officer
prohibited

14. No licensee shall at any time, whether by agreement with a municipality or board of police commissioners or otherwise, act as a member of a police force or perform the duties of a constable or other police officer. *New.*

Expression
"private
detective"
prohibited

15. No person engaged in any business or employment shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective. *New.*

Information
to be con-
fidential

16. No person who is or has been a licensee shall divulge to anyone, except as may be legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1950, c. 287, s. 12, *amended.*

Licenses
not to be
collectors

17. No licensee shall act as a collector of accounts, or undertake, or hold himself out, or advertise as undertaking to collect accounts for any person either with or without remuneration. R.S.O. 1950, c. 287, s. 16, *amended.*

Offence and
penalty

18. Every person who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a subsequent offence and in either case in addition thereto to imprisonment for a term of not more than one year. R.S.O. 1950, c. 287, s. 14, *amended.*

Regulations

19. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the classes of persons who shall be exempt from this Act;
- (b) exempting any class of licensee from the bonding provisions of this Act;
- (c) prescribing forms for use under this Act;
- (d) prescribing the form of licences;
- (e) prescribing licence fees;
- (f) prescribing the term and other conditions of temporary licences;

- (g) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (h) prescribing the form and contents of identification cards for licensees and providing for the issue thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

20. Every licence issued under *The Private Detectives Act* Subsisting
licences that is subsisting when this Act comes into force shall continue to subsist until the 31st day of March, 1959, or until it is replaced by a licence under this Act, whichever occurs first, and, in cases in which the Commissioner deems it fair and reasonable, he may recommend to the Treasurer that a refund of the fee for the subsisting licence or for the licence under this Act or a part of either of them be made and the Treasurer may make such refund. *New.*

21. *The Private Detectives Act* is repealed.

R.S.O. 1950,
c. 287,
repealed

22. This Act comes into force on the 1st day of January, 1959. Commence-
ment

23. This Act may be cited as *The Private Investigators Act*, Short title 1958.

The Private Investigators Act, 1958

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

The Private Investigators Act, 1958

MR. ROBERTS

No. 115

1958

BILL

The Private Investigators Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means Commissioner of Police for Ontario;
- (b) "licence" means licence under this Act and includes a temporary licence under this Act;
- (c) "private investigator" means a person who investigates and furnishes information;
- (d) "regulations" means regulations made under this Act;
- (e) "Treasurer" means Treasurer of Ontario. *New.*

2. Nothing in this Act applies to or affects,

Where Act
not to
apply

- (a) barristers or solicitors in the practice of their profession and their employees;
- (b) persons engaged in the business of furnishing information to subscribers as to the financial rating of persons and the employees of persons so engaged;
- (c) any class of persons exempted under the regulations. R.S.O. 1950, c. 287, ss. 3, 11, *amended.*

3. No person shall engage in the business of a private investigator for hire or reward without a licence so to do. R.S.O. 1950, c. 287, ss. 1, 2, *amended.*

Licences
to engage
in business

4. No person shall act as a private investigator as an employee or agent of a person who is engaged in the business of a private investigator without a licence so to do. *New.*

Licensing of
employee

Prima facie
evidence

5. A statement in a letter, advertisement, card or other document or paper to the effect that a person is engaged in the business of a private investigator or is acting as a private investigator is *prima facie* evidence that he is so engaged or acting, as the case may be. *New.*

Application
for licence

6.—(1) Every applicant for a licence to engage in the business of a private investigator shall apply for his own licence and the licences of his employees or agents, if any, who are private investigators upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form.

Type of
bond

(2) The bond shall be,

(a) a personal bond accompanied by collateral security;

R.S.O. 1950,
c. 162

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor other than a guarantee company, accompanied by collateral security.

Collateral
security

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations not less in value than the sum secured by the bond and shall be deposited with the Treasurer.

Further
information

(4) The Commissioner may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1950, c. 287, s. 4, *amended*.

Powers of
Commissioner

7. The Commissioner may grant or refuse to grant a licence or any renewal thereof or suspend or revoke any licence where in his opinion such action is in the public interest. R.S.O. 1950, c. 287, s. 5, *part, amended*.

Death of
licensee

8.—(1) Where a person who is licensed to engage in the business of a private investigator dies, the Commissioner may grant to his executor or administrator a temporary licence.

Employees

(2) All licensed employees of such deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. *New.*

Termination
and renewal

9.—(1) Subject to subsections 2 and 3, every licence and renewal of licence terminates on the 31st day of March in each year and every person who is licensed to engage in the

business of a private investigator shall apply, on the prescribed form, for a renewal of his own licence and the licences of his employees and agents, if any, on or before the 1st day of March in each year giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fees for himself and his licensed employees and agents as upon a first application.

(2) The licence of an employee or agent terminates upon his ceasing to be an employee or agent, as the case may be, in which event his licence shall be returned forthwith by his employer to the Commissioner. ^{Termination of employees' licences}

(3) Every temporary licence terminates in accordance with the regulations. *New.* ^{Termination of temporary licence}

10.—(1) The Commissioner shall cause all cash, cheques, money orders and postal notes to be deposited with the Treasurer for payment into the Consolidated Revenue Fund. ^{Fee moneys}

(2) Where an application for a licence or the renewal of a licence is refused or is granted after the 30th day of September in any year, the Commissioner may recommend to the Treasurer that a refund of the fee or a part thereof be made and the Treasurer may make such refund. *New.* ^{Refund}

11. Immediately upon the receipt of a licence, the licensee shall cause it to be displayed in a conspicuous place in the office of the licensee, and for this purpose duplicate licences may be issued where the licensee engages in the business of a private investigator in more than one place. R.S.O. 1950, c. 287, s. 6, *amended.* ^{Licence to be displayed}

12. Where a person who is licensed to engage in the business of a private investigator changes his place of business, he shall, within the twenty-four hours immediately following the change, give written notice by registered mail of the change to the Commissioner. R.S.O. 1950, c. 287, s. 7, *amended.* ^{Change of place of business !}

13.—(1) No person shall have in his possession or display any badge, shield, card or other object purporting to indicate that he is licensed under this Act except the prescribed identification card issued to him under this Act. ^{Use of badges, etc., prohibited}

(2) Every licensee shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for the inspection of any person who requests the same. ^{Identification card to be carried}

Unauthor-
ized use

(3) No person other than the licensee to whom it has been issued shall have in his possession any prescribed identification card. *New.*

Acting as
police
officer
prohibited

14. No licensee shall at any time, whether by agreement with a municipality or board of police commissioners or otherwise, act as a member of a police force or perform the duties of a constable or other police officer. *New.*

Expression
"private
detective"
prohibited

15. No person engaged in any business or employment shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective. *New.*

Information
to be con-
fidential

16. No person who is or has been a licensee shall divulge to anyone, except as may be legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1950, c. 287, s. 12, *amended.*

Licensees
not to be
collectors

17. No licensee shall act as a collector of accounts, or undertake, or hold himself out, or advertise as undertaking to collect accounts for any person either with or without remuneration. R.S.O. 1950, c. 287, s. 16, *amended.*

Offence and
penalty

18. Every person who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and not more than \$2,000 for a subsequent offence and in either case in addition thereto to imprisonment for a term of not more than one year. R.S.O. 1950, c. 287, s. 14, *amended.*

Regulations

19. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the classes of persons who shall be exempt from this Act;
- (b) exempting any class of licensee from the bonding provisions of this Act;
- (c) prescribing forms for use under this Act;
- (d) prescribing the form of licences;
- (e) prescribing licence fees;
- (f) prescribing the term and other conditions of temporary licences;

- (g) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (h) prescribing the form and contents of identification cards for licensees and providing for the issue thereof;
- (i) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

20. Every licence issued under *The Private Detectives Act* <sup>Subsisting
licences</sup> that is subsisting when this Act comes into force shall continue to subsist until the 31st day of March, 1959, or until it is replaced by a licence under this Act, whichever occurs first, and, in cases in which the Commissioner deems it fair and reasonable, he may recommend to the Treasurer that a refund of the fee for the subsisting licence or for the licence under this Act or a part of either of them be made and the Treasurer may make such refund. *New.*

21. *The Private Detectives Act* is repealed.

R.S.O. 1950,
c. 287,
repealed

22. This Act comes into force on the 1st day of January, 1959. <sup>Commence-
ment</sup>

23. This Act may be cited as *The Private Investigators Act*, ^{Short title} 1958.

The Private Investigators Act, 1958

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 21st, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to amend The Judicature Act

MR. ROBERTS

EXPLANATORY NOTE

Self-explanatory.

No. 116

1958

BILL

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as R.S.O. 1950, amended by section 1 of *The Judicature Amendment Act, 1951*, ^{c. 190, s. 5,} ^{subs. 1,} ^{amended} is further amended by striking out "eighteen" in the amendment of 1951 and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

- (1) The High Court shall consist of a chief justice who ^{High Court} shall be the president thereof and who shall be called ^{of Justice} the Chief Justice of the High Court, and twenty other judges.

2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation. ^{ment}

3. This Act may be cited as *The Judicature Amendment* ^{Short title} *Act, 1958 (No. 2)*.

An Act to amend The Judicature Act

1st Reading

February 25th, 1958

2nd Reading

3rd Reading

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Judicature Act

MR. ROBERTS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 116

1958

BILL

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as R.S.O. 1950, amended by section 1 of *The Judicature Amendment Act, 1951*, ^{c. 190, s. 5,} ^{subs. 1,} is further amended by striking out "eighteen" in the amend-^{amended}ment of 1951 and inserting in lieu thereof "twenty", so that the subsection shall read as follows:

(1) The High Court shall consist of a chief justice who ^{High Court} shall be the president thereof and who shall be called ^{of Justice} the Chief Justice of the High Court, and twenty other judges.

2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant-Governor by his Proclamation. ^{ment}

3. This Act may be cited as *The Judicature Amendment* ^{Short title} *Act, 1958 (No. 2)*.

An Act to amend The Judicature Act

1st Reading

February 25th, 1958

2nd Reading

March 13th, 1958

3rd Reading

March 18th, 1958

MR. ROBERTS

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Game and Fisheries Act

MR. MAPLEDORAM

EXPLANATORY NOTES

SECTION 1. The privilege given farmers to hunt or trap fur-bearing animals other than beaver on their own lands is extended to include beaver.

SECTION 2. Section 13 of the Act now prohibits the possession of any game by an hotel or other public eating place except under the authority of a licence. The section as re-enacted will permit the possession in such places of pheasants without a licence where they have been procured from a person who is licensed to propagate or sell pheasants.

SECTION 3. These provisions which relate to the licensing of tourist outfitters are deleted as they are being dealt with under *The Tourist Establishments Amendment Act, 1958*. (See Bill No. 76.)

SECTION 4. The present requirement that a non-resident hunting moose must be accompanied by a licensed guide is removed except in the case of the district of Rainy River.

No. 117

1958

BILL

An Act to amend The Game and Fisheries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 7 of *The Game and Fisheries Act*, R.S.O. 1950, c. 153, s. 7, as re-enacted by section 2 of *The Game and Fisheries Amendment Act, 1956*, (1956, c. 26, s. 2), subs. 4, amended, is amended by striking out "other than beaver" in the third line, so that the subsection shall read as follows:

- (4) A farmer or any of his sons residing upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and any such farmer or any of his sons may without a licence sell, subject to this Act, the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as the Lieutenant-Governor in Council may prescribe. Exceptions as to farmers

2. Section 13 of *The Game and Fisheries Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 13, re-enacted

13. Except under the authority of a licence, no hotel, boarding-house, camp, restaurant or club shall possess any game, other than pheasants that have been propagated or sold under a licence so to do. Hotels, restaurants or clubs

3. Section 21 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1951*, R.S.O. 1950, c. 153, s. 21, repealed, is repealed.

4. Subsection 3 of section 22 of *The Game and Fisheries Act*, as amended by subsection 1 of section 5 of *The Game and Fisheries Amendment Act, 1952*, R.S.O. 1950, c. 153, s. 22, subs. 3, re-enacted, is repealed and the following substituted therefor:

Guides for
non-resident
hunters

- (3) No non-resident shall hunt, take or kill deer or moose in the district of Rainy River without employing and being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed shall be not less than one guide for each two non-residents.

R.S.O. 1950,
c. #153, s. 26
(1956, c. 26,
s. 4), subs. 2,
amended

5. Subsection 2 of section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956*, is amended by inserting after "clause a" in the first line "or subclause i of clause c", so that the subsection shall read as follows:

Power of
fire-arms

- (2) The holder of a licence under subclause vi of clause a or subclause i of clause c of subsection 1 shall not,

(a) carry or use a rifle of greater calibre or projectile power than the rifle known as a .22-calibre low-powered rifle; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for caribou, deer or moose in areas which such animals inhabit or in which they are usually found.

R.S.O. 1950,
c. 153, s. 27,
cl. d,
re-enacted

6.—(1) Clause d of section 27 of *The Game and Fisheries Act*, as amended by section 7 of *The Game and Fisheries Amendment Act, 1952*, is repealed and the following substituted therefor:

fur
dealers

- (d) to any person to buy, sell or deal in the pelts of fur-bearing animals, and the fee shall be,

- | | |
|---|-------|
| (i) for a resident British subject on specific premises, to be known as "store licence" \$ | 5.00 |
| (ii) for a resident British subject to be known as "travelling fur dealer" | 25.00 |
| (iii) for a resident who is not a British subject | 50.00 |
| (iv) for a non-resident | 50.00 |
| (v) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence" | 1.00 |

SECTION 5. The purpose of this amendment is to bring non-residents within the prohibition respecting fire-arms.

SECTION 6.—Subsection 1. The fees for four types of fur-dealers licences are reduced from \$25, \$100, \$200 and \$200 to \$5, \$25, \$50 and \$50, respectively.

Subsection 2. The provision relating to the fees for tourist outfitters is deleted. See note to section 3 of this bill.

SECTION 7. Provision is made for the shooting of muskrat or beaver upon terms and conditions.

SECTION 8. Provision is made for permitting the placing of traps in or within five feet of a beaver house during the open season for beaver. The present Act prohibits this practice.

SECTION 9. The reference to "bull moose" is obsolete as there are now open seasons for all moose.

SECTION 10. The species of fish known as "splake" is added to the species of game fish enumerated.

(2) Clause *f* of the said section 27 is repealed.

R.S.O. 1950,
c. 153, s. 27,
cl. *f*,
repealed

7. Section 30 of *The Game and Fisheries Act*, as amended by section 8 of *The Game and Fisheries Amendment Act, 1951*, section 9 of *The Game and Fisheries Amendment Act, 1952* and section 6 of *The Game and Fisheries Amendment Act, 1953*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 153, s. 30,
amended

- (5) Notwithstanding clause *a* of subsection 4, a person may shoot muskrat or beaver on such terms and conditions as the Minister may determine.

Muskrat
and
beaver

8. Section 32 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1951* and section 10 of *The Game and Fisheries Amendment Act, 1952*, is further amended by adding thereto the following subsections:

R.S.O. 1950,
c. 153, s. 32,
amended

- (10a) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in or within five feet of a beaver house during the open season for beaver.

Traps in
beaver
houses

- (10b) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may set traps in or within five feet of a beaver house during the open season for beaver.

Idem

9. Subsection 1 of section 49 of *The Game and Fisheries Act* is amended by striking out "bull" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 153, s. 49,
subs. 1,
amended

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

Export of
game by
non-
residents

R.S.C. 1952,
c. 179

10. Subsection 1 of section 52 of *The Game and Fisheries Act* is amended by inserting after "speckled trout" in the fourth line "splake", so that the subsection shall read as follows:

R.S.O. 1950,
c. 153, s. 52,
subs. 1,
amended

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, splake, brown trout, rainbow trout, Kamloops trout or Aurora

No traffic
in certain
fish

trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950,
c. 153, s. 62,
subs. 2,
amended

11. Subsection 2 of section 62 of *The Game and Fisheries Act* is amended by striking out "designated" in the second line and inserting in lieu thereof "used", so that the subsection shall read as follows:

Trespassing
on experi-
mental fur-
farms, etc.

(2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are used as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them.

R.S.O. 1950,
c. 153, s. 77,
amended

12.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(dd) providing for and establishing a programme to promote the safe handling of fire-arms by hunters.

R.S.O. 1950,
c. 153, s. 77,
cl. j,
repealed

(2) Clause *j* of the said section 77, as amended by subsection 2 of section 13 of *The Game and Fisheries Amendment Act, 1952*, is repealed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1958*.

SECTION 11. The subsection is amended by replacing the word "designated" with the word "used" in order to clarify the intent.

SECTION 12.—Subsection 1. The new clause authorizes the making of regulations providing for and establishing a programme to promote the safe handling of fire-arms by hunters.

Subsection 2. The provision repealed deals with the making of regulations relating to tourist outfitter's camp licences. See note to section 3 of this bill.

The Game and Fisheries Act

1st Reading

February 27th, 1958

2nd Reading

3rd Reading

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Game and Fisheries Act

MR. MAPLEDORAM

No. 117

1958

BILL

An Act to amend The Game and Fisheries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 7 of *The Game and Fisheries Act*, R.S.O. 1950, c. 153, s. 7, as re-enacted by section 2 of *The Game and Fisheries Amendment Act, 1956*, is amended by striking out "other than beaver" in the third line, so that the subsection shall read as follows: (1956, c. 26, s. 2), subs. 4, amended

(4) A farmer or any of his sons residing upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and any such farmer or any of his sons may without a licence sell, subject to this Act, the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as the Lieutenant-Governor in Council may prescribe. Exceptions as to farmers

2. Section 13 of *The Game and Fisheries Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 13, re-enacted

13. Except under the authority of a licence, no hotel, boarding-house, camp, restaurant or club shall possess any game, other than pheasants that have been propagated or sold under a licence so to do. Hotels, restaurants or clubs

3. Section 21 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1951*, is repealed. R.S.O. 1950, c. 153, s. 21, repealed

4. Subsection 3 of section 22 of *The Game and Fisheries Act*, as amended by subsection 1 of section 5 of *The Game and Fisheries Amendment Act, 1952*, is repealed and the following substituted therefor: R.S.O. 1950, c. 153, s. 22, subs. 3, re-enacted

Guides for
non-resident
hunters

- (3) No non-resident shall hunt, take or kill deer or moose in the district of Rainy River without employing and being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed shall be not less than one guide for each two non-residents.

R.S.O. 1950,
c. 153, s. 26
(1956, c. 26,
s. 4), subs. 2,
amended

5. Subsection 2 of section 26 of *The Game and Fisheries Act*, as re-enacted by section 4 of *The Game and Fisheries Amendment Act, 1956*, is amended by inserting after "clause a" in the first line "or subclause i of clause c", so that the subsection shall read as follows:

Power of
fire-arms

- (2) The holder of a licence under subclause vi of clause a or subclause i of clause c of subsection 1 shall not,

(a) carry or use a rifle of greater calibre or projectile power than the rifle known as a .22-calibre low-powered rifle; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for caribou, deer or moose in areas which such animals inhabit or in which they are usually found.

R.S.O. 1950,
c. 153, s. 27,
cl. d,
re-enacted

6.—(1) Clause d of section 27 of *The Game and Fisheries Act*, as amended by section 7 of *The Game and Fisheries Amendment Act, 1952*, is repealed and the following substituted therefor:

fur
dealers

- (d) to any person to buy, sell or deal in the pelts of fur-bearing animals, and the fee shall be,

- | | |
|---|-------|
| (i) for a resident British subject on specific premises, to be known as "store licence" \$ | 5.00 |
| (ii) for a resident British subject to be known as "travelling fur dealer" | 25.00 |
| (iii) for a resident who is not a British subject | 50.00 |
| (iv) for a non-resident | 50.00 |
| (v) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence" | 1.00 |

(2) Clause *f* of the said section 27 is repealed.

R.S.O. 1950,
c. 153, s. 27,
cl. *f*,
repealed

7. Section 30 of *The Game and Fisheries Act*, as amended by section 8 of *The Game and Fisheries Amendment Act, 1951*, section 9 of *The Game and Fisheries Amendment Act, 1952* and section 6 of *The Game and Fisheries Amendment Act, 1953*, is further amended by adding thereto the following subsection:

R.S.O. 1950,
c. 153, s. 30,
amended

- (5) Notwithstanding clause *a* of subsection 4, a person may shoot muskrat or beaver on such terms and conditions as the Minister may determine.

Muskrat
and
beaver

8. Section 32 of *The Game and Fisheries Act*, as amended by section 10 of *The Game and Fisheries Amendment Act, 1951* and section 10 of *The Game and Fisheries Amendment Act, 1952*, is further amended by adding thereto the following subsections:

R.S.O. 1950,
c. 153, s. 32,
amended

- (10a) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in or within five feet of a beaver house during the open season for beaver.

Traps in
beaver
houses

- (10b) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may set traps in or within five feet of a beaver house during the open season for beaver.

Idem

9. Subsection 1 of section 49 of *The Game and Fisheries Act* is amended by striking out "bull" in the third line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 153, s. 49,
subs. 1,
amended

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one moose, all bears or their skins and other species of game in the number authorized to be possessed by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada).

Export of
game by
non-
residents

R.S.C. 1952
c. 179

10. Subsection 1 of section 52 of *The Game and Fisheries Act* is amended by inserting after "speckled trout" in the fourth line "splake", so that the subsection shall read as follows:

R.S.O. 1950,
c. 153, s. 52,
subs. 1,
amended

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, splake, brown trout, rainbow trout, Kamloops trout or Aurora

No traffic
in certain
fish

trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence.

R.S.O. 1950,
c. 153, s. 62,
subs. 2,
amended

11. Subsection 2 of section 62 of *The Game and Fisheries Act* is amended by striking out "designated" in the second line and inserting in lieu thereof "used", so that the subsection shall read as follows:

Trespassing
on experi-
mental fur-
farms, etc.

(2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are used as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them.

R.S.O. 1950,
c. 153, s. 77,
amended

12.—(1) Section 77 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(dd) providing for and establishing a programme to promote the safe handling of fire-arms by hunters.

R.S.O. 1950,
c. 153, s. 77,
cl. j,
repealed

(2) Clause *j* of the said section 77, as amended by subsection 2 of section 13 of *The Game and Fisheries Amendment Act, 1952*, is repealed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1958*.

An Act to amend
The Game and Fisheries Act

1st Reading

February 27th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 21st, 1958

MR. MAPLEDORAM

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Tile Drainage Act

MR. WARRENDER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The \$3,000,000 figure was fixed in 1929. It is raised to \$5,000,000 to reflect the increased cost of drainage work.

No. 118

1958

BILL

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Tile Drainage Act* is amended by R.S.O. 1950, striking out "\$3,000,000" in the third line and inserting in ^{c. 392, s. 9,} amended lieu thereof "\$5,000,000", so that the section shall read as follows:

9. The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund not exceeding in the whole at any time \$5,000,000 in the purchase of debentures issued under such by-laws in respect of which the Treasurer of Ontario has certified to the propriety of the investment. ^{Purchase of debentures out of Consolidated Revenue Fund}

2. This Act may be cited as *The Tile Drainage Amendment Act, 1958*. ^{Short title}

An Act to amend
The Tile Drainage Act

1st Reading

March 3rd, 1958

2nd Reading

3rd Reading

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Tile Drainage Act

MR. WARRENDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 118

1958

BILL

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Tile Drainage Act* is amended by R.S.O. 1950, striking out "\$3,000,000" in the third line and inserting in ^{c. 392, s. 9,} amended lieu thereof "\$5,000,000", so that the section shall read as follows:

9. The Lieutenant-Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund not exceeding in the whole at any time \$5,000,000 in the purchase of debentures issued under such by-laws in respect of which the Treasurer of Ontario has certified to the propriety of the investment.

Purchase of
debentures
out of
Consolidated
Revenue
Fund

2. This Act may be cited as *The Tile Drainage Amendment Act, 1958*. Short title

Bill
An Act to amend
The Tile Drainage Act

1st Reading

March 3rd, 1958

2nd Reading

March 18th, 1958

3rd Reading

March 21st, 1958

MR. WARRENDER

No. 119.

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Utilities Act

MR. WARRENDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that the provisions of *The Municipal Act* providing for arbitration are applicable to expropriations under Part I of the Act.

SECTION 2. The clause repealed makes it an offence to deposit any matter in a lake, river, etc., which is a source of supply for a waterworks. This is now dealt with in *The Ontario Water Resources Commission Act, 1957*.

SECTION 3. The subsection amended provides that it is not necessary to levy a rate to provide for interest or payments on account of debentures issued for the construction, etc., of a utility. The amendment is to make it clear that this provision does not apply where debentures have been issued for local improvement works.

No. 119

1958

BILL

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Utilities Act* is amended by striking out "Part XV" in the first line and inserting in lieu thereof "Parts XV and XVI", so that the section shall read as follows: R.S.O. 1950,
c. 320, s. 3,
amended

3. Parts XV and XVI of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. Provision
as to paying
compensation
R.S.O. 1950,
c. 243

2. Clause *h* of section 13 of *The Public Utilities Act* is repealed. R.S.O. 1950,
c. 320, s. 13,
cl. *h*,
repealed

3. Subsection 3 of section 35 of *The Public Utilities Act* is amended by inserting after "utility" in the fourth line "other than those issued under *The Local Improvement Act*", so that the subsection shall read as follows: R.S.O. 1950,
c. 320, s. 35,
subs. 3,
amended

(3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy
of rate
necessary
R.S.O. 1950,
c. 215

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Public Utilities Amendment Act, 1958*. Short title

An Act to amend
The Public Utilities Act

1st Reading

March 3rd, 1958

2nd Reading

3rd Reading

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Public Utilities Act

MR. WARRENDER

No. 119

1958

BILL

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Utilities Act* is amended by R.S.O. 1950, c. 320, s. 3, striking out "Part XV" in the first line and inserting in lieu thereof "Parts XV and XVI", so that the section shall read as follows:

3. Parts XV and XVI of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. Provision as to paying compensation R.S.O. 1950, c. 243

2. Clause *h* of section 13 of *The Public Utilities Act* is repealed. R.S.O. 1950, c. 320, s. 13, cl. *h*, repealed

3. Subsection 3 of section 35 of *The Public Utilities Act* is amended by inserting after "utility" in the fourth line "other than those issued under *The Local Improvement Act*", so that the subsection shall read as follows: R.S.O. 1950, c. 320, s. 35, subs. 3, amended

(3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy of rate necessary R.S.O. 1950, c. 215

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Public Utilities Amendment Act, 1958*. Short title

An Act to amend
The Public Utilities Act

1st Reading

March 3rd, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. WARRENDER

No. 120

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Ontario Municipal Board Act

MR. WARRENDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The Municipal Board may validate by-laws and debentures issued thereunder notwithstanding any irregularity in the by-law or proceedings. The amendment provides for the same procedure where there are omissions in the by-law or proceedings.

SECTION 2. Section 67 requires the approval of the Board to undertakings of the municipality before the by-law is passed authorizing such undertaking. The amendment provides that a by-law that has been passed before approval is applied for is not in contravention of section 67 if it includes a provision that the by-law does not take effect until approved by the Board.

No. 120

1958

BILL

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 61 of *The Ontario Municipal Board Act* is amended by inserting after "any" in the seventh line "omission", so that the subsection shall read as follows: R.S.O. 1950, c. 262, s. 61, subs. 1, amended

- (1) In any case where either prior or subsequent to the issue and sale of any debentures issued or to be issued by a municipality, application is made to the Board for its approval of any by-law authorizing the issue of such debentures, and of the debentures, the Board may approve the by-law and certify the validity of the debentures, notwithstanding any omission, illegality, invalidity or irregularity in the by-law or debentures or in any of the proceedings relating or incidental thereto occurring, had or taken prior or subsequent to the final passing of the by-law or issue of the debentures. Validation of by-laws and debentures

2. Section 67 of *The Ontario Municipal Board Act*, as amended by section 5 of *The Ontario Municipal Board Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 262, s. 67, amended

- (1b) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board. By-law passed not to be in contravention of subs. 1

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1958*. Short title

An Act to amend
The Ontario Municipal Board Act

1st Reading

March 3rd, 1958

2nd Reading

3rd Reading

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Ontario Municipal Board Act

MR. WARRENDER

No. 120

1958

BILL

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 61 of *The Ontario Municipal Board Act* is amended by inserting after "any" in the seventh line "omission", so that the subsection shall read as follows: R.S.O. 1950, c. 262, s. 61, subs. 1, amended

(1) In any case where either prior or subsequent to the issue and sale of any debentures issued or to be issued by a municipality, application is made to the Board for its approval of any by-law authorizing the issue of such debentures, and of the debentures, the Board may approve the by-law and certify the validity of the debentures, notwithstanding any omission, illegality, invalidity or irregularity in the by-law or debentures or in any of the proceedings relating or incidental thereto occurring, had or taken prior or subsequent to the final passing of the by-law or issue of the debentures. Validation of by-laws and debentures

2. Section 67 of *The Ontario Municipal Board Act*, as amended by section 5 of *The Ontario Municipal Board Amendment Act, 1957*, is further amended by adding thereto the following subsection: R.S.O. 1950, c. 262, s. 67, amended

(1b) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 if such by-law contains a provision that the by-law shall not take effect until approved by the Board. By-law passed not to be in contravention of subs. 1

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1958*. Short title

The Ontario Municipal Board Act

1st Reading

March 3rd, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Local Improvement Act

MR. WARRENDER

EXPLANATORY NOTE

SECTION 1. The new section provides that where there has been a gross or manifest error in a special assessment the court of revision may reduce the owner's share of the cost of the work.

No. 121

1958

BILL

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Local Improvement Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 215,
amended

45a. Notwithstanding subsection 2 of section 45, the court of revision at any time after the certification of the special assessment roll may reduce any special assessment for the current year and the remaining years of the debenture debt by reason of any gross or manifest error and the amount by which any owner's share of the cost of a work is reduced shall be added to the corporation's share of the cost. Power to
reduce
special
assessment
where
gross error

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1958*. Short title

An Act to amend
The Local Improvement Act

1st Reading

March 3rd, 1958

2nd Reading

3rd Reading

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Local Improvement Act

MR. WARRENDER

No. 121

1958

BILL

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Local Improvement Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 215,
amended

45a. Notwithstanding subsection 2 of section 45, the court of revision at any time after the certification of the special assessment roll may reduce any special assessment for the current year and the remaining years of the debenture debt by reason of any gross or manifest error and the amount by which any owner's share of the cost of a work is reduced shall be added to the corporation's share of the cost. Power to
reduce
special
assessment
where
gross error

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1958*. Short title

An Act to amend
The Local Improvement Act

1st Reading

March 3rd, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. WARRENDER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Homes for the Aged Act, 1955

MR. CECILE

EXPLANATORY NOTES

SECTION 1. Two changes are made. First, the population requirement is reduced from 25,000 to 15,000. Second, the right to establish a home or joint home is extended to any municipality that has the required population.

SECTION 2. See note to section 3, subsection 1.

No. 122

1958

BILL

An Act to amend The Homes for the Aged Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: 1955, c. 30, s. 3, re-enacted

3. A municipality that has a population of more than 15,000 and that is located in a territorial district may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may enter into an agreement to establish and maintain a joint home. Homes and joint homes in territorial districts

2. Section 24, as amended by section 5 of *The Homes for the Aged Amendment Act, 1957*, and section 25 of *The Homes for the Aged Act, 1955* are repealed and the following substituted therefor: 1955, c. 30, ss. 24, 25, re-enacted

24. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount equal to the percentage prescribed in the regulations of the amount of the operating and maintenance costs of the home or joint home computed in the manner prescribed in the regulations. Provincial subsidy on operating costs

25. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. Provincial subsidy for residents of unorganized territory

1955, c. 30,
s. 26, cl. e,
re-enacted

3.—(1) Clause *e* of section 26 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor:

(*e*) prescribing the percentage of the amount of the operating and maintenance costs of homes and joint homes that will be paid by the Province under section 24;

(*ee*) prescribing the manner of computing the operating and maintenance costs of homes and joint homes for the purposes of section 24.

1955, c. 30,
s. 26,
amended

(2) The said section 26 is amended by adding thereto the following subsection:

Division
of territorial
districts

(2) The Lieutenant-Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

5. This Act may be cited as *The Homes for the Aged Amendment Act, 1958*.

SECTION 3—Subsection 1. A new method for the payment of the provincial subsidy on operating and maintenance costs of homes is provided. Instead of making the payments annually to the municipalities they will be paid monthly to the homes.

Subsection 2. This new provision will enable two homes for the aged to be established in one territorial district, each one serving the part for which it is established.

An Act to amend
The Homes for the Aged Act, 1955

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Homes for the Aged Act, 1955

MR. CECILE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Two changes are made. First, the population requirement is reduced from 25,000 to 15,000. Second, the right to establish a home or joint home is extended to any municipality that has the required population.

SECTION 2. See note to section 3, subsection 1.

No. 122

1958

BILL

An Act to amend The Homes for the Aged Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: 1955, c. 30, s. 3, re-enacted

3. A municipality that has a population of more than 15,000 and that is located in a territorial district may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may enter into an agreement to establish and maintain a joint home. Homes and joint homes in territorial districts

2. Section 24, as amended by section 5 of *The Homes for the Aged Amendment Act, 1957*, and section 25 of *The Homes for the Aged Act, 1955* are repealed and the following substituted therefor: 1955, c. 30, ss. 24, 25, re-enacted

24. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount equal to the percentage prescribed in the regulations of any operating or maintenance cost of the home or joint home computed in the manner prescribed in the regulations. Provincial subsidy on operating costs

25. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. Provincial subsidy for residents of unorganized territory

1955, c. 30,
s. 26, cl. e,
re-enacted

3.—(1) Clause *e* of section 26 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor:

(e) prescribing the percentage of any operating or maintenance cost of homes and joint homes that will be paid by the Province under section 24;

(ee) prescribing the manner of computing the operating and maintenance costs of homes and joint homes for the purposes of section 24.

1955, c. 30,
s. 26,
amended

(2) The said section 26 is amended by adding thereto the following subsection:

Division
of territorial
districts

(2) The Lieutenant-Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

5. This Act may be cited as *The Homes for the Aged Amendment Act, 1958*.

SECTION 3—Subsection 1. A new method for the payment of the provincial subsidy on operating and maintenance costs of homes is provided. Instead of making the payments annually to the municipalities they will be paid monthly to the homes.

Subsection 2. This new provision will enable two homes for the aged to be established in one territorial district, each one serving the part for which it is established.

An Act to amend
The Homes for the Aged Act, 1955

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. CECILE

(Reprinted as amended by the
Committee of the Whole House)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to amend The Homes for the Aged Act, 1955

MR. CECILE

No. 122

1958

BILL

An Act to amend The Homes for the Aged Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor: 1955, c. 30,
s. 3,
re-enacted

3. A municipality that has a population of more than 15,000 and that is located in a territorial district may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may enter into an agreement to establish and maintain a joint home. Homes and joint homes in territorial districts

2. Section 24, as amended by section 5 of *The Homes for the Aged Amendment Act, 1957*, and section 25 of *The Homes for the Aged Act, 1955* are repealed and the following substituted therefor: 1955, c. 30,
ss. 24, 25,
re-enacted

24. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount equal to the percentage prescribed in the regulations of any operating or maintenance cost of the home or joint home computed in the manner prescribed in the regulations. Provincial subsidy on operating costs

25. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. Provincial subsidy for residents of unorganized territory

1955, c. 30,
s. 26, cl. e,
re-enacted

3.—(1) Clause *e* of section 26 of *The Homes for the Aged Act, 1955* is repealed and the following substituted therefor:

(e) prescribing the percentage of any operating or maintenance cost of homes and joint homes that will be paid by the Province under section 24;

(ee) prescribing the manner of computing the operating and maintenance costs of homes and joint homes for the purposes of section 24.

1955, c. 30,
s. 26,
amended

(2) The said section 26 is amended by adding thereto the following subsection:

Division
of territorial
districts

(2) The Lieutenant-Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act.

Commence-
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1958.

Short title

5. This Act may be cited as *The Homes for the Aged Amendment Act, 1958*.

An Act to amend
The Homes for the Aged Act, 1955

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 18th, 1958

MR. CECILE

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Tax Act

MR. SPOONER

EXPLANATORY NOTES

GENERAL—Under the present Act the profit tax on a mine is based upon the annual profit of the mine in a calendar year and accrues at the end of each calendar year and is payable for each year on or before March 15th of the following year.

Under the present Act the tax on natural gas producers is on a calendar year basis and is payable on October 1st following the production year.

This bill changes the basis of the mines profit tax by substituting a fiscal year basis for a calendar year basis. It also extends the time for filing returns and changes the time for payment of the estimated mines profit tax and the natural gas producers' tax. These changes will lessen the amount of work involved not only in the administration of the Act by the Department of Mines, but also in the compliance with the Act by mining companies and natural gas producers concerned.

SECTION 1. The addition of clause *bb* and the re-enactment of clause *j* are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

SECTION 2. The section repealed is redundant with other provisions of the Act and is therefore repealed.

SECTION 3. As redrafted the section provides for the mine profit tax to be imposed on the basis of fiscal years and provides that the estimated amount of the tax shall be paid within two months of the close of the fiscal year.

It also provides that the estimated amount of the natural gas production tax shall be paid within four months of the close of the taxation year.

No. 123

1958

BILL

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Tax Act*, as amended by R.S.O. 1950, section 1 of *The Mining Tax Amendment Act, 1952*, is further ^{c. 237, s. 1,} amended by adding thereto the following clause:

(bb) "fiscal year" means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act, and, in the absence of an established practice, the fiscal year is that adopted by the corporation, but no fiscal year may exceed fifty-three weeks, and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Minister.

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 237, s. 1, cl. j, re-enacted}

(j) "taxation year" means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year, and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year.

2. Section 2 of *The Mining Tax Act* is repealed.

^{R.S.O. 1950, c. 237, s. 2, repealed}

3. Section 3 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1955*, is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 237, s. 3, re-enacted}

3.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister not later ^{when taxes accrue and when payable}

than two months following the close of the taxation year with respect to the tax payable under section 4 and not later than four months following the close of the taxation year with respect to the tax payable under section 27.

Payment
of balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 7 or section 31, as the case may be, exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1950,
c. 237, s. 4,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 4 of *The Mining Tax Act*, as amended by subsections 1 and 2 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Profit tax

- (1) Every mine, the profit of which exceeds \$10,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant, occupier and operator thereof shall pay a tax of,
- (a) 6 per cent on the excess of profit above \$10,000 and up to \$1,000,000;
 - (b) 11 per cent on the excess of profit above \$1,000,000 and up to \$5,000,000; and
 - (c) 12 per cent on the excess of profit above \$5,000,000.

R.S.O. 1950,
c. 237, s. 4,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 4, as amended by subsections 1 and 2 of section 2 of *The Mining Tax Amendment Act, 1955* and subsection 3 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Ascertain-
ment of
profit

- (3) The profit for a taxation year is the difference between,
- (a) the amount of the gross receipts from the output of the mine during the taxation year; or
 - (b) in case the ore, mineral or mineral bearing substance or any part thereof is not sold but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine, the amount of the actual market value of the output at the pit's mouth; or

SECTION 4—Subsection 1. The changes in this subsection are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

Subsection 2. As re-enacted the subsection conforms to the change in the basis of taxation from a calendar year to a fiscal year, makes clear that expenses incurred away from the mine are allowable as deductions so long as they are in immediate connection with the mining operations, deletes the obsolete reference to horses and fodder for horses, clarifies the depreciation provision and permits exploration and development expenses incurred after production to be charged against profits of a taxation year in whole or on an amortization basis.

- (c) if there is no means of ascertaining the actual market value of the output at the pit's mouth, the amount at which the mine assessor appraises such output,

and the following expenses, payments, allowances or deductions:

- (d) the cost of transportation of any output sold if paid or borne by the owner, holder, lessee, tenant, occupier or operator;
- (e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (f) the cost of power, light and transportation used in the mining operations and in handling the ore or mineral;
- (g) the net cost of food and provisions supplied to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (j) the cost of proper insurance upon the output if paid or borne by the owner, holder, lessee, tenant, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the ore or mineral;
- (k) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where

the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section;

- (l) subject to the approval of the mine assessor and notwithstanding anything in this subsection, at least 15 per cent of the expenditure incurred, following the commencement of production and which has not at any time in a previous year been allowed as an expense, for actual exploration and development work done in Ontario where the work has as its object the finding, testing or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
 - (i) that such expenditure does not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
 - (ii) that such expenditure was made or borne by the person liable for taxation upon the mine under this Act, and
 - (iii) that separate accounts of such expenditure are kept and furnished in reasonable detail with the return required under section 7;
- (m) donations actually made for charitable, educational or patriotic purposes that are approved by the mine assessor.

R.S.O. 1950, c. 237, s. 4, subs. 6 (1957, c. 72, s. 1, subs. 5), 1957, is amended by striking out "annual profits" in the first amended

(3) Subsection 6 of the said section 4, as re-enacted by subsection 5 of section 1 of *The Mining Tax Amendment Act*,

Subsection 3. These amendments are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

Subsection 4. The present subsection is obsolete. The new subsection prorates the tax where a mine produces for less than twelve months in a taxation year.

SECTION 5. Section 7 as re-enacted extends the time for delivering the return to a period of six months instead of the present two and one-half months and permits a return to be made over a certificate instead of an oath.

line and inserting in lieu thereof "profit" and by striking out "calendar" in the seventh line and inserting in lieu thereof "taxation", so that the subsection shall read as follows:

- (6) In ascertaining and fixing the profit of a mine for the purpose of this section in respect of the tax payable under this section in 1949 and thereafter, the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid during the taxation year under the *Emergency Gold Mining Assistance Act* (Canada) and the mine assessor may prorate such deduction to mining and processing costs in such proportions as he deems equitable.
- Assistance payments may be deducted from expenses .
R.S.C. 1952, c. 95

- (4) Subsection 7 of the said section 4 is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 4, subs. 7, re-enacted

- (7) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rates mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365.
- Part-year production

5. Section 7 of *The Mining Tax Act* is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 7, re-enacted

- 7.—(1) Every person liable to pay the tax imposed by section 4 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed by section 4 shall, upon receipt of a notice or demand in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.
- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under
- Return

section 8, and such certificate shall be signed by an officer who has personal knowledge of the affairs of the mine but the mine assessor may require such return or any part thereof to be made or verified under oath.

R.S.O. 1950,
c. 237, s. 11,
amended

6. Section 11 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Adjustment
of tax
after
appeals

- (9) Where an appeal is taken under this section, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith.

R.S.O. 1950,
c. 237, s. 12,
re-enacted

7. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment

- 12.—(1) The mine assessor, after examining the return delivered under section 7, shall send a notice of assessment to the person liable for the tax payable by section 4 confirming or altering the amount of the tax as estimated in the return and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal is taken under section 11.

Refunds

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the tax shall be remitted forthwith to the person liable for such tax.

R.S.O. 1950,
c. 237,
ss. 31, 32, 33,
re-enacted

8. Sections 31, 32 and 33 of *The Mining Tax Act* are repealed and the following substituted therefor:

Return

- 31.—(1) Every person liable to pay the tax imposed by section 27 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed under section 27 shall, upon receipt of a notice in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.

Idem

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included therein is in agreement

SECTION 6. Subsection 9 has been added to provide for adjustment of tax after an appeal has been disposed of.

SECTION 7. The section as re-enacted provides for payment of balance of tax imposed by section 4 found to be owing when the final assessment is made.

The present subsection 2 is deleted as it is not the intention to waive interest charges provided elsewhere in the Act and the subsection substituted therefor provides for adjustment of the tax after the amount has been finally determined.

The present subsection 3 is deleted as it is redundant with section 35.

The present subsection 4 is incorporated in the new subsection 1.

The new subsection 2 provides for refund where any overpayment on account of the tax has been made.

SECTION 8. Section 31 as re-enacted imposes the same conditions as to the delivery of returns for natural gas producers subject to tax under section 27 as are imposed under section 7 as re-enacted for the delivery of the return showing the profit subject to tax under section 4.

Section 32 as re-enacted provides for payment of any balance of tax imposed by section 27 found to be owing and remittance of any overpayment to the taxpayer when the final assessment is made.

The intent of the present subsection 1 of section 33 is covered by the new section 32, and the re-enactment of subsection 1 of section 33 provides for dispute procedures formerly provided for under subsection 3 of section 32, and tax adjustment as formerly provided under subsection 2 of this section.

SECTION 9. Section 35 as re-enacted provides for interest on any tax not paid at the time or times provided in this Act.

with the book required to be kept under section 28, and such certificate shall be signed by an officer or person who has personal knowledge of the affairs of the well or wells, but the mine assessor may require such return to be made or verified under oath.

32.—(1) The mine assessor, after examining the return delivered under section 31, shall send a notice of assessment to the person liable for the tax imposed by section 27 confirming or altering the amount of the tax as estimated in the return, and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment whether or not an appeal is taken under section 33. Notice of assessment under payments.

(2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the amount of the tax shall be remitted forthwith to the person liable for such tax. Refunds

33.—(1) If the owner, lessee, tenant, occupier or operator appeals the notice given under section 32, the dispute shall be heard by the Mining Commissioner or the Ontario Municipal Board as the Minister directs, and the decision of the Mining Commissioner or Board, as the case may be, is final and conclusive, and the quantity so found shall be entered on the return required under section 31 as the true quantity and the tax for such period shall be computed thereon. Disputed notice

(2) Where an appeal is taken under subsection 1, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith. Adjustment

9. Section 35 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 35, re-enacted

35.—(1) Where the amount paid on account of tax payable under this Act by a person for a taxation year, before the expiration of the time allowed for delivering of the return under section 7 or section 31, is less than the amount of tax payable for the taxation year, the person liable to pay the tax shall pay interest on the difference between those two amounts Interest on unpaid tax

from the expiration of the time for delivering the return to the date of payment at the rate of 6 per cent per annum.

Idem

- (2) Where a person is required by subsection 1 of section 3 to pay a tax imposed by this Act and he has failed to pay all or any part thereof as required, the person, in addition to the interest payable under subsection 1, shall pay interest on the amount he failed to pay at 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Ten per cent to be added for default

- (3) Where any tax imposed under this Act is not paid at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act.

R.S.O. 1950, c. 237, s. 42, re-enacted

10. Section 42 of *The Mining Tax Act* is repealed and the following substituted therefor:

Penalty for failure to comply with s. 7 or s. 31

42. Every person who is required to deliver a return under section 7 or to furnish a statement under section 31 shall, in case of failure to deliver the return or furnish the statement, as the case may be, incur a penalty of \$20 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

Application of prior Act R.S.O. 1950, c. 237

11.—(1) *The Mining Tax Act* as it was on the 31st day of December, 1957, continues to apply to taxes accrued under the Act on or before that date as though this Act had not been passed.

Application of Act as amended

(2) *The Mining Tax Act* as amended by this Act applies to the whole or any part, as the case may be, of the taxation year that commenced on the 1st day of January, 1958, and to every taxation year thereafter.

SECTION 10. The section as re-enacted extends the penalties to cover failure to furnish the statement required under section 31.

(3) In subsection 2, "taxation year" has the same meaning as in section 1 of *The Mining Tax Act*, as amended by section 1 of this Act. ^{Interpre-}
^{tation}

12. This Act shall be deemed to have come into force on the 1st day of January, 1958. ^{Commence-}
^{ment}

13. This Act may be cited as *The Mining Tax Amendment Act, 1958*. ^{Short title}

An Act to amend
The Mining Tax Act

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Tax Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

GENERAL—Under the present Act the profit tax on a mine is based upon the annual profit of the mine in a calendar year and accrues at the end of each calendar year and is payable for each year on or before March 15th of the following year.

Under the present Act the tax on natural gas producers is on a calendar year basis and is payable on October 1st following the production year.

This bill changes the basis of the mines profit tax by substituting a fiscal year basis for a calendar year basis. It also extends the time for filing returns and changes the time for payment of the estimated mines profit tax and the natural gas producers' tax. These changes will lessen the amount of work involved not only in the administration of the Act by the Department of Mines, but also in the compliance with the Act by mining companies and natural gas producers concerned.

SECTION 1. The addition of clause *bb* and the re-enactment of clause *j* are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

SECTION 2. The section repealed is redundant with other provisions of the Act and is therefore repealed.

SECTION 3. As redrafted the section provides for the mine profit tax to be imposed on the basis of fiscal years and provides that the estimated amount of the tax shall be paid within two months of the close of the fiscal year.

It also provides that the estimated amount of the natural gas production tax shall be paid within four months of the close of the taxation year.

BILL

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Tax Act*, as amended by R.S.O. 1950, section 1 of *The Mining Tax Amendment Act, 1952*, is further amended ^{c. 237, s. 1,} amended by adding thereto the following clause:

(bb) "fiscal year" means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act, and, in the absence of an established practice, the fiscal year is that adopted by the corporation, but no fiscal year may exceed fifty-three weeks, and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Minister.

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 237, s. 1, cl. j, re-enacted}

(j) "taxation year" means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year, and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year.

2. Section 2 of *The Mining Tax Act* is repealed.

^{R.S.O. 1950, c. 237, s. 2, repealed}

3. Section 3 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1955*, is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 237, s. 3, re-enacted}

3.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister not later ^{when taxes accrue and when payable}

than two months following the close of the taxation year with respect to the tax payable under section 4 and not later than four months following the close of the taxation year with respect to the tax payable under section 27.

Payment
of balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 7 or section 31, as the case may be, exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1950,
c. 237, s. 4,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 4 of *The Mining Tax Act*, as amended by subsections 1 and 2 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Profit tax

- (1) Every mine, the profit of which exceeds \$10,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant, occupier and operator thereof shall pay a tax of,

- (a) 6 per cent on the excess of profit above \$10,000 and up to \$1,000,000;

- (b) 11 per cent on the excess of profit above \$1,000,000 and up to \$5,000,000; and

- (c) 12 per cent on the excess of profit above \$5,000,000.

R.S.O. 1950,
c. 237, s. 4,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 4, as amended by subsections 1 and 2 of section 2 of *The Mining Tax Amendment Act, 1955* and subsection 3 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Ascertain-
ment of
profit

- (3) The profit for a taxation year is the difference between,

- (a) the amount of the gross receipts from the output of the mine during the taxation year; or

- (b) in case the ore, mineral or mineral bearing substance or any part thereof is not sold but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine, the amount of the actual market value of the output at the pit's mouth; or

SECTION 4—Subsection 1. The changes in this subsection are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

Subsection 2. As re-enacted the subsection conforms to the change in the basis of taxation from a calendar year to a fiscal year, makes clear that expenses incurred away from the mine are allowable as deductions so long as they are in immediate connection with the mining operations, deletes the obsolete reference to horses and fodder for horses, clarifies the depreciation provision and permits exploration and development expenses incurred after production to be charged against profits of a taxation year in whole or on an amortization basis.

- (c) if there is no means of ascertaining the actual market value of the output at the pit's mouth, the amount at which the mine assessor appraises such output,

and the following expenses, payments, allowances or deductions:

- (d) the cost of transportation of any output sold if paid or borne by the owner, holder, lessee, tenant, occupier or operator;
- (e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (f) the cost of power, light and transportation used in the mining operations and in handling the ore or mineral;
- (g) the net cost of food and provisions supplied to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (j) the cost of proper insurance upon the output if paid or borne by the owner, holder, lessee, tenant, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the ore or mineral;
- (k) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where

the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section;

- (l) subject to the approval of the mine assessor and notwithstanding anything in this subsection, at least 15 per cent of the expenditure incurred, following the commencement of production and which has not at any time in a previous year been allowed as an expense, for actual exploration and development work done in Ontario where the work has as its object the finding, testing or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:
 - (i) that such expenditure does not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,
 - (ii) that such expenditure was made or borne by the person liable for taxation upon the mine under this Act, and
 - (iii) that separate accounts of such expenditure are kept and furnished in reasonable detail with the return required under section 7;
- (m) donations actually made for charitable, educational or patriotic purposes that are approved by the mine assessor.

R.S.O. 1950, c. 237, s. 4, subs. 6 (1957, c. 72, s. 1, subs. 5), 1957, is amended by striking out "annual profits" in the first

Subsection 3. These amendments are complementary to the change in the basis of taxation from a calendar year to a fiscal year.

Subsection 4. The present subsection is obsolete. The new subsection prorates the tax where a mine produces for less than twelve months in a taxation year.

SECTION 5. Section 7 as re-enacted extends the time for delivering the return to a period of six months instead of the present two and one-half months and permits a return to be made over a certificate instead of an oath.

line and inserting in lieu thereof "profit" and by striking out "calendar" in the seventh line and inserting in lieu thereof "taxation", so that the subsection shall read as follows:

- (6) In ascertaining and fixing the profit of a mine for the purpose of this section in respect of the tax payable under this section in 1949 and thereafter, the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid during the taxation year under the *Emergency Gold Mining Assistance Act* (Canada) and the mine assessor may prorate such deduction to mining and processing costs in such proportions as he deems equitable.
- Assistance payments may be deducted from expenses
R.S.C. 1952, c. 95

- (4) Subsection 7 of the said section 4 is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 4, subs. 7, re-enacted

- (7) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rates mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365.
- Part-year production

5. Section 7 of *The Mining Tax Act* is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 7, re-enacted

- 7.—(1) Every person liable to pay the tax imposed by section 4 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed by section 4 shall, upon receipt of a notice or demand in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.
- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under
- Return
Idem

section 8, and such certificate shall be signed by an officer who has personal knowledge of the affairs of the mine but the mine assessor may require such return or any part thereof to be made or verified under oath.

R.S.O. 1950,
c. 237, s. 11,
amended

6. Section 11 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Adjustment
of tax
after
appeals

- (9) Where an appeal is taken under this section, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith.

R.S.O. 1950,
c. 237, s. 12,
re-enacted

7. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment

- 12.—(1) The mine assessor, after examining the return delivered under section 7, shall send a notice of assessment to the person liable for the tax payable by section 4 confirming or altering the amount of the tax as estimated in the return and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal is taken under section 11.

Refunds

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the tax shall be remitted forthwith to the person liable for such tax.

R.S.O. 1950,¹
c. 237,
ss. 31, 32, 33,
re-enacted

8. Sections 31, 32 and 33 of *The Mining Tax Act* are repealed and the following substituted therefor:

Return

- 31.—(1) Every person liable to pay the tax imposed by section 27 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed under section 27 shall, upon receipt of a notice in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.

Idem

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included therein is in agreement

SECTION 6. Subsection 9 has been added to provide for adjustment of tax after an appeal has been disposed of.

SECTION 7. The section as re-enacted provides for payment of balance of tax imposed by section 4 found to be owing when the final assessment is made.

The present subsection 2 is deleted as it is not the intention to waive interest charges provided elsewhere in the Act and the subsection substituted therefor provides for adjustment of the tax after the amount has been finally determined.

The present subsection 3 is deleted as it is redundant with section 35.

The present subsection 4 is incorporated in the new subsection 1.

The new subsection 2 provides for refund where any overpayment on account of the tax has been made.

SECTION 8. Section 31 as re-enacted imposes the same conditions as to the delivery of returns for natural gas producers subject to tax under section 27 as are imposed under section 7 as re-enacted for the delivery of the return showing the profit subject to tax under section 4.

Section 32 as re-enacted provides for payment of any balance of tax imposed by section 27 found to be owing and remittance of any overpayment to the taxpayer when the final assessment is made.

The intent of the present subsection 1 of section 33 is covered by the new section 32, and the re-enactment of subsection 1 of section 33 provides for dispute procedures formerly provided for under subsection 3 of section 32, and tax adjustment as formerly provided under subsection 2 of this section.

SECTION 9. Section 35 as re-enacted provides for interest on any tax not paid at the time or times provided in this Act.

with the book required to be kept under section 28, and such certificate shall be signed by an officer or person who has personal knowledge of the affairs of the well or wells, but the mine assessor may require such return to be made or verified under oath.

- 32.—(1) The mine assessor, after examining the return delivered under section 31, shall send a notice of assessment to the person liable for the tax imposed by section 27 confirming or altering the amount of the tax as estimated in the return, and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment whether or not an appeal is taken under section 33. Notice of assessment under payments.

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the amount of the tax shall be remitted forthwith to the person liable for such tax. Refunds

- 33.—(1) If the owner, lessee, tenant, occupier or operator appeals the notice given under section 32, the dispute shall be heard by the Mining Commissioner or the Ontario Municipal Board as the Minister directs, and the decision of the Mining Commissioner or Board, as the case may be, is final and conclusive, and the quantity so found shall be entered on the return required under section 31 as the true quantity and the tax for such period shall be computed thereon. Disputed notice

- (2) Where an appeal is taken under subsection 1, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith. Adjustment

9. Section 35 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 35, re-enacted

- 35.—(1) Where the amount paid on account of tax payable under this Act by a person for a taxation year, before the expiration of the time allowed for delivering of the return under section 7 or section 31, is less than the amount of tax payable for the taxation year, the person liable to pay the tax shall pay interest on the difference between those two amounts Interest on unpaid tax

from the expiration of the time for delivering the return to the date of payment at the rate of 6 per cent per annum.

Idem

- (2) Where a person is required by subsection 1 of section 3 to pay a tax imposed by this Act and he has failed to pay all or any part thereof as required, the person, in addition to the interest payable under subsection 1, shall pay interest on the amount he failed to pay at 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Ten per cent to be added for default

- (3) Where any tax imposed under this Act is not paid at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act.

R.S.O. 1950, c. 237, s. 42, re-enacted

10. Section 42 of *The Mining Tax Act* is repealed and the following substituted therefor:

Penalty for failure to comply with s. 7 or s. 31

42. Every person who is required to deliver a return under section 7 or to furnish a statement under section 31 shall, in case of failure to deliver the return or furnish the statement, as the case may be, incur a penalty of \$20 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

Application of prior Act R.S.O. 1950, c. 237

11.—(1) *The Mining Tax Act* as it was on the 31st day of December, 1957, continues to apply to taxes accrued under the Act on or before that date as though this Act had not been passed.

Application of Act as amended

(2) *The Mining Tax Act* as amended by this Act applies to the whole or any part, as the case may be, of the taxation year that ends in 1958 following the 1st day of January, 1958, and to every taxation year thereafter.

SECTION 10. The section as re-enacted extends the penalties to cover failure to furnish the statement required under section 31.

(3) In subsection 2, "taxation year" has the same meaning Interpretation as in section 1 of *The Mining Tax Act*, as amended by section 1 of this Act.

12. This Act shall be deemed to have come into force on Commencement the 1st day of January, 1958.

13. This Act may be cited as *The Mining Tax Amendment* Short title *Act, 1958*.

An Act to amend
The Mining Tax Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. SPOONER

*(Reprinted as amended by the
Committee of the Whole House)*

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Tax Act

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 123

1958

BILL

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Tax Act*, as amended by R.S.O. 1950, section 1 of *The Mining Tax Amendment Act, 1952*, is further amended by adding thereto the following clause: c. 237, s. 11, amended

(bb) “fiscal year” means the period for which the accounts of the business of a corporation are ordinarily made up and accepted for purposes of assessment under this Act, and, in the absence of an established practice, the fiscal year is that adopted by the corporation, but no fiscal year may exceed fifty-three weeks, and any change in a usual and accepted fiscal year shall be made for the purposes of this Act only with the concurrence of or in accordance with the direction of the Minister.

(2) Clause *j* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 1, cl. j, re-enacted

(j) “taxation year” means, in the case of a mining corporation, fiscal year, and in the case of an individual, partnership or syndicate engaged in mining operations, calendar year, and in the case of an individual, partnership, syndicate or corporation engaged in the production of natural gas, calendar year.

2. Section 2 of *The Mining Tax Act* is repealed.

R.S.O. 1950, c. 237, s. 2, repealed

3. Section 3 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 3, re-enacted

3.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister not later when taxes accrue and when payable

than two months following the close of the taxation year with respect to the tax payable under section 4 and not later than four months following the close of the taxation year with respect to the tax payable under section 27.

Payment
of balance

- (2) Every person liable to pay a tax under this Act shall pay the amount, if any, by which any tax payable as estimated by him to be payable in the return required to be delivered by section 7 or section 31, as the case may be, exceeds the amount paid under subsection 1, at the time of making such return.

R.S.O. 1950,
c. 237, s. 4,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 4 of *The Mining Tax Act*, as amended by subsections 1 and 2 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Profit tax

- (1) Every mine, the profit of which exceeds \$10,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant, occupier and operator thereof shall pay a tax of,
 - (a) 6 per cent on the excess of profit above \$10,000 and up to \$1,000,000;
 - (b) 11 per cent on the excess of profit above \$1,000,000 and up to \$5,000,000; and
 - (c) 12 per cent on the excess of profit above \$5,000,000.

R.S.O. 1950,
c. 237, s. 4,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 4, as amended by subsections 1 and 2 of section 2 of *The Mining Tax Amendment Act, 1955* and subsection 3 of section 1 of *The Mining Tax Amendment Act, 1957*, is repealed and the following substituted therefor:

Ascertain-
ment of
profit

- (3) The profit for a taxation year is the difference between,
 - (a) the amount of the gross receipts from the output of the mine during the taxation year; or
 - (b) in case the ore, mineral or mineral bearing substance or any part thereof is not sold but is treated by or for the owner, holder, lessee, tenant, occupier or operator of the mine, the amount of the actual market value of the output at the pit's mouth; or

- (c) if there is no means of ascertaining the actual market value of the output at the pit's mouth, the amount at which the mine assessor appraises such output,

and the following expenses, payments, allowances or deductions:

- (d) the cost of transportation of any output sold if paid or borne by the owner, holder, lessee, tenant, occupier or operator;
- (e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (f) the cost of power, light and transportation used in the mining operations and in handling the ore or mineral;
- (g) the net cost of food and provisions supplied to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (j) the cost of proper insurance upon the output if paid or borne by the owner, holder, lessee, tenant, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the ore or mineral;
- (k) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where

the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section;

(l) subject to the approval of the mine assessor and notwithstanding anything in this subsection, at least 15 per cent of the expenditure incurred, following the commencement of production and which has not at any time in a previous year been allowed as an expense, for actual exploration and development work done in Ontario where the work has as its object the finding, testing or opening up of deposits of metalliferous ore or other solid mineral substances on the following conditions:

(i) that such expenditure does not include moneys paid in the purchase of, or in acquiring an option to purchase, or in acquiring the right to mine, or an option on the right to mine, such deposits,

(ii) that such expenditure was made or borne by the person liable for taxation upon the mine under this Act, and

(iii) that separate accounts of such expenditure are kept and furnished in reasonable detail with the return required under section 7;

(m) donations actually made for charitable, educational or patriotic purposes that are approved by the mine assessor.

R.S.O. 1950, c. 237, s. 4, subs. 6 (1957, c. 72, s. 1, subs. 5), 1957, is amended by striking out "annual profits" in the first amended

(3) Subsection 6 of the said section 4, as re-enacted by subsection 5 of section 1 of *The Mining Tax Amendment Act*, 1957, is amended by striking out "annual profits" in the first

line and inserting in lieu thereof "profit" and by striking out "calendar" in the seventh line and inserting in lieu thereof "taxation", so that the subsection shall read as follows:

- (6) In ascertaining and fixing the profit of a mine for the purpose of this section in respect of the tax payable under this section in 1949 and thereafter, the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid during the taxation year under the *Emergency Gold Mining Assistance Act* (Canada) and the mine assessor may prorate such deduction to mining and processing costs in such proportions as he deems equitable.
- Assistance payments may be deducted from expenses
R.S.C. 1952, c. 95

- (4) Subsection 7 of the said section 4 is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 4, subs. 7, re-enacted

- (7) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rates mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365.
- Part-year production

5. Section 7 of *The Mining Tax Act* is repealed and the following substituted therefor:
- R.S.O. 1950, c. 237, s. 7, re-enacted

- 7.—(1) Every person liable to pay the tax imposed by section 4 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed by section 4 shall, upon receipt of a notice or demand in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.
- Return

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under
- Idem

section 8, and such certificate shall be signed by an officer who has personal knowledge of the affairs of the mine but the mine assessor may require such return or any part thereof to be made or verified under oath.

R.S.O. 1950,
c. 237, s. 11,
amended

6. Section 11 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Adjustment
of tax
after
appeals

- (9) Where an appeal is taken under this section, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith.

R.S.O. 1950,
c. 237, s. 12,
re-enacted

7. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment

- 12.—(1) The mine assessor, after examining the return delivered under section 7, shall send a notice of assessment to the person liable for the tax payable by section 4 confirming or altering the amount of the tax as estimated in the return and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal is taken under section 11.

Refunds

- (2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the tax shall be remitted forthwith to the person liable for such tax.

R.S.O. 1950,
c. 237,
ss. 31, 32, 33,
re-enacted

8. Sections 31, 32 and 33 of *The Mining Tax Act* are repealed and the following substituted therefor:

Return

- 31.—(1) Every person liable to pay the tax imposed by section 27 shall, on or before the last day of the month that ends six months following the close of the taxation year, without notice or demand, and every person whether or not liable to pay the tax imposed under section 27 shall, upon receipt of a notice in writing from the mine assessor or from any officer of the Department authorized by the Minister to make such demand, deliver to the Department such return as is required by the mine assessor.

Idem

- (2) The return shall contain an estimate of the tax payable and shall be verified by a certificate stating that the information included therein is in agreement

with the book required to be kept under section 28, and such certificate shall be signed by an officer or person who has personal knowledge of the affairs of the well or wells, but the mine assessor may require such return to be made or verified under oath.

32.—(1) The mine assessor, after examining the return delivered under section 31, shall send a notice of assessment to the person liable for the tax imposed by section 27 confirming or altering the amount of the tax as estimated in the return, and any tax found to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment whether or not an appeal is taken under section 33. Notice of assessment under-payments

(2) Where the amount of the tax is found to be less than the amount then paid, the amount by which such payment is more than the amount of the tax shall be remitted forthwith to the person liable for such tax. Refunds

33.—(1) If the owner, lessee, tenant, occupier or operator appeals the notice given under section 32, the dispute shall be heard by the Mining Commissioner or the Ontario Municipal Board as the Minister directs, and the decision of the Mining Commissioner or Board, as the case may be, is final and conclusive, and the quantity so found shall be entered on the return required under section 31 as the true quantity and the tax for such period shall be computed thereon. Disputed notice

(2) Where an appeal is taken under subsection 1, the amount by which the amount of tax finally determined is more or less than the amount then paid shall be payable by or remitted to the person liable for such tax, as the case may be, forthwith. Adjustment

9. Section 35 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 237, s. 35, re-enacted

35.—(1) Where the amount paid on account of tax payable under this Act by a person for a taxation year, before the expiration of the time allowed for delivering of the return under section 7 or section 31, is less than the amount of tax payable for the taxation year, the person liable to pay the tax shall pay interest on the difference between those two amounts Interest on unpaid tax

from the expiration of the time for delivering the return to the date of payment at the rate of 6 per cent per annum.

Idem

- (2) Where a person is required by subsection 1 of section 3 to pay a tax imposed by this Act and he has failed to pay all or any part thereof as required, the person, in addition to the interest payable under subsection 1, shall pay interest on the amount he failed to pay at 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Ten per cent to be added for default

- (3) Where any tax imposed under this Act is not paid at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act.

R.S.O. 1950, c. 237, s. 42, re-enacted

10. Section 42 of *The Mining Tax Act* is repealed and the following substituted therefor:

Penalty for failure to comply with s. 7 or s. 31

42. Every person who is required to deliver a return under section 7 or to furnish a statement under section 31 shall, in case of failure to deliver the return or furnish the statement, as the case may be, incur a penalty of \$20 per day for each day during which the default continues, which penalty shall be added to and become part of the tax payable under this Act, and every such person is also liable to pay a tax of double the amount otherwise payable, and any such penalty and double tax shall be recovered from any person liable therefor in an action brought in the name of the Minister to be tried by a judge without a jury.

Application of prior Act R.S.O. 1950, c. 237

11.—(1) *The Mining Tax Act* as it was on the 31st day of December, 1957, continues to apply to taxes accrued under the Act on or before that date as though this Act had not been passed.

Application of Act as amended

(2) *The Mining Tax Act* as amended by this Act applies to the whole or any part, as the case may be, of the taxation year that ends in 1958 following the 1st day of January, 1958, and to every taxation year thereafter.

(3) In subsection 2, "taxation year" has the same meaning as in section 1 of *The Mining Tax Act*, as amended by section 1 of this Act. <sup>Interpre-
tation</sup>

12. This Act shall be deemed to have come into force on the 1st day of January, 1958. <sup>Commence-
ment</sup>

13. This Act may be cited as *The Mining Tax Amendment Act, 1958*. ^{Short title}

An Act to amend
The Mining Tax Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 21st, 1958

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. This is to clearly set out that the holder of unrecorded documents is not entitled to the privileges of a "holder" prescribed by the various sections of the Act.

SECTION 2. This clarifies some ambiguity between the requirements of sections 47 and 52 and also ratifies our present system of terminating licences of occupation.

No. 124

1958

BILL

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Act*, as amended by section 1 R.S.O. 1950, of *The Mining Amendment Act, 1956* and section 1 of *The Mining Amendment Act, 1957*, is further amended by adding thereto the following clause:

(dd) "holder", when referring to the holder of an unpatented mining claim, a boring permit, a quarry permit or a licence of occupation issued under this Act, means the holder of record.

2.—(1) Subsection 7 of section 52 of *The Mining Act*, as enacted by subsection 2 of section 4 of *The Mining Amendment Act, 1953*, is amended by striking out "licences and" in the second line, so that the subsection shall read as follows:

(7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such leases.

(2) The said section 52, as amended by section 4 of *The Mining Amendment Act, 1953*, is further amended by adding thereto the following subsections:

(8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims on the licensee, his successors or assigns, in or to the lands covered by the licence, shall cease and upon filing a copy of such instrument in the office of the proper mining recorder the lands shall forthwith be open for staking.

(9) Where there is no adverse interest, the Minister may, upon such terms as he may deem just, reinstate a licence terminated under subsection 8.

R.S.O. 1950,
c. 236, s. 80,
subs. 6
(1955, c. 45,
s. 17,
subs. 2),
amended

3. Subsection 6 of section 80 of *The Mining Act*, as re-enacted by subsection 2 of section 17 of *The Mining Amendment Act, 1955*, is amended by inserting after "name" in the fourth line "or of which he is the optionee of record", so that the subsection shall read as follows:

Work to be
performed
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name or of which he is the optionee of record, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

R.S.O. 1950,
c. 236, s. 89,
subs. 1
(1954, c. 53,
s. 7), cl. b,
re-enacted

4.—(1) Clause *b* of subsection 1 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1954*, is repealed and the following substituted therefor:

- (b) where the prescribed work is not performed within the time stipulated in subsection 1 of section 80, the Commissioner, within six months of the forfeiture, may make an order or orders upon such terms as he considers just relieving the claim from forfeiture and extending the time for performing the work; or

.

R.S.O. 1950,
c. 236, s. 89
(1953, c. 64,
s. 7), subs. 2,
re-enacted

(2) Subsection 2 of the said section 89, as re-enacted by section 7 of *The Mining Amendment Act, 1953* and amended by subsection 1 of section 4 of *The Mining Amendment Act, 1956*, is repealed and the following substituted therefor:

Extension
of time

- (2) If application is made to the Commissioner within thirty days before the time forfeiture or loss of rights would occur, he may make an order or orders granting an extension of time in respect of one or more of the following:

1. For affixing the metal tags to the corner posts of the claim.
2. For performing any work required to be performed.

R.S.O. 1950,
c. 236, s. 91,
re-enacted

5. Section 91 of *The Mining Act* is repealed and the following substituted therefor:

SECTION 3. This amendment confirms the practice in most recording offices whereby the holder of record of an option may group claims for assessment work.

SECTION 4. By these amendments the Mining Commissioner is allowed some discretion concerning the granting of extensions in extenuating circumstances.

SECTION 5. This amendment permits the Mining Commissioner to grant extensions for applying for patent.

SECTION 6—Subsection 1. This corrects a typographical error.

Subsection 2. The subsection is amended to agree with 58 (2).

SECTION 7. Provision is made that licences of occupation and leases may be dealt with in the same manner as patented lands.

91. Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded or where the holder of a claim dies before issue of the patent or lease for the claim, no other person is, without leave of the Commissioner, entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work and applying for patent or lease, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

6.—(1) Subsection 1 of section 109 of *The Mining Act* is amended by striking out “Mattawan” in the sixth line and inserting in lieu thereof “Mattawa”. R.S.O. 1950,
c. 236, s. 109,
subs. 1,
amended

(2) Clause *b* of subsection 1 of the said section 109 is repealed and the following substituted therefor: R.S.O. 1950,
c. 236, s. 109,
subs. 1, cl. 1b,
re-enacted

- (b) by furnishing the recorder with an application in duplicate verified by affidavit in the prescribed form not later than thirty-one days from the date of staking. application
to recorder

7. Section 201 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 236, s. 201,
re-enacted

201.—(1) In this section, “co-owner” includes co-lessee and co-licensee, and a corporation with share capital and a shareholder thereof shall be deemed to be co-owners. Interpre-
tation

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and the whole of the rents or expenditures has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their portion of the rents or expenditures for a period of four years, the Commissioner, upon the application of any co-owner who has paid the rents or met the expenditures, may make an order requiring the delinquent co-owner or co-owners to pay within three months of the date of the order, or such further time as the Commissioner may fix, his or their proper portion Default by
one of
several
co-owners,
etc.

of the rents or expenditures to the co-owner or co-owners who has or have paid the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Commissioner.

Vesting
order

- (3) The order may be served in such manner as the Commissioner may direct, and if at the expiration of the period fixed by the order, or such further time as may have been ordered by the Commissioner, it appears to him that payment has not been made in accordance therewith, he may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the rents or expenditures.

Death of
delinquent

- (4) Where a delinquent co-owner has died either before or after default in respect of his portion and no person has taken out administration of his estate or has obtained probate of his will, any order made under this section may be directed to and served upon his heirs.

Order
against
corporation

- (5) An order made under this section against a corporation shall be directed to such corporation only.

Fee

- (6) An application under subsection 2 shall be accompanied by a fee of \$25.

R.S.O. 1950,
c. 236, s. 202,
subs. 1,
amended

8. Subsection 1 of section 202 of *The Mining Act* is amended by striking out "Mattawan" in the third line and inserting in lieu thereof "Mattawa".

R.S.O. 1950,
c. 236, s. 226
(1957, c. 71,
s. 18),
subs. 2,
re-enacted

9. Subsection 2 of section 226 of *The Mining Act*, as enacted by section 18 of *The Mining Amendment Act, 1957*, is repealed and the following substituted therefor:

Exemption
from
acreage
tax

- (2) Where land that was not subject to tax under this Act becomes subject to tax because the surface rights thereof have been severed from the mining rights for a public road, highway or public utility, the Minister may exempt the mining rights so severed from the tax during such term as he is satisfied that the mining rights are not being used or held for mining purposes.

R.S.O. 1950,
c. 236,
Sched.,
item 18
(1953, c. 64,
s. 9, subs. 2),
re-enacted

- 10.—(1) Item 18 of the Schedule to *The Mining Act*, as re-enacted by subsection 2 of section 9 of *The Mining Amend-*

SECTION 8. This corrects a typographical error.

SECTION 9. Provision is made that where a severance is created by a public utility acquiring the surface rights, the Minister may exempt the mining rights from tax where he is satisfied that the lands are not being held or used for mining purposes.

SECTION 10—Subsection 1. Provides that where an order of the Mining Commissioner is a dual order the fee shall be double, or \$5 for each phase.

Subsection 2. These are complex documents which include sketches and it is impossible to compute the charge on a folio basis as in item 21.

Subsection 3. Clarifies that the charge is for a "filed only" application under subsection 2 and does not apply to an application under subsection 1 for which the fee is as prescribed in item 5.

ment Act, 1953, is repealed and the following substituted therefor:

18. For recording an order of the Mining Commissioner extending the time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim \$ 5.00

18a. For recording an order of the Commissioner relieving against forfeiture or loss of rights and extending the time for performing working conditions, affixing metal tags, making application for patent or lease or authorizing the filing of a belated report of work, per claim 10.00

(2) The said Schedule is amended by adding thereto the following item: R.S.O. 1950,
c. 236,
Sched.,
amended

21a. For a copy or certified copy of an application to record a mining claim or of a report of work, each \$ 1.00

(3) Item 24 of the said Schedule, as re-enacted by sub-section 4 of section 25 of *The Mining Amendment Act, 1955*, is amended by inserting after "under" in the first line "sub-section 2 of", so that the item shall read as follows: R.S.O. 1950,
c. 236,
Sched.,
item 24
(1955, c. 45,
s. 25,
subs. 4),
amended

24. For filing an application for a mining claim under subsection 2 of section 61 \$10.00

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The Mining Amendment Act, 1958* (No. 2). Short title

An Act to amend The Mining Act

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Mining Act

MR. SPOONER

BILL

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Act*, as amended by section 1 of *The Mining Amendment Act, 1956* and section 1 of *The Mining Amendment Act, 1957*, is further amended by adding thereto the following clause:

(dd) "holder", when referring to the holder of an unpatented mining claim, a boring permit, a quarry permit or a licence of occupation issued under this Act, means the holder of record.

2.—(1) Subsection 7 of section 52 of *The Mining Act*, as enacted by subsection 2 of section 4 of *The Mining Amendment Act, 1953*, is amended by striking out "licences and" in the second line, so that the subsection shall read as follows:

(7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such leases.

(2) The said section 52, as amended by section 4 of *The Mining Amendment Act, 1953*, is further amended by adding thereto the following subsections:

(8) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims on the licensee, his successors or assigns, in or to the lands covered by the licence, shall cease and upon filing a copy of such instrument in the office of the proper mining recorder the lands shall forthwith be open for staking.

(9) Where there is no adverse interest, the Minister may, upon such terms as he may deem just, reinstate a licence terminated under subsection 8.

R.S.O. 1950,
c. 236, s. 80,
subs. 6
(1955, c. 45,
s. 17,
subs. 2),
amended

3. Subsection 6 of section 80 of *The Mining Act*, as re-enacted by subsection 2 of section 17 of *The Mining Amendment Act, 1955*, is amended by inserting after "name" in the fourth line "or of which he is the optionee of record", so that the subsection shall read as follows:

Work to be
performed
on claims

- (6) A licensee may perform, or cause to be performed, on one or more unpatented claims all of the work required to be performed in respect of not more than eighteen contiguous claims recorded in his name or of which he is the optionee of record, and the reports of work and certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied.

R.S.O. 1950,
c. 236, s. 89,
subs. 1
(1954, c. 53,
s. 7), cl. b,
re-enacted

4.—(1) Clause *b* of subsection 1 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act, 1954*, is repealed and the following substituted therefor:

- (b) where the prescribed work is not performed within the time stipulated in subsection 1 of section 80, the Commissioner, within six months of the forfeiture, may make an order or orders upon such terms as he considers just relieving the claim from forfeiture and extending the time for performing the work; or

.

R.S.O. 1950,
c. 236, s. 89
(1953, c. 64,
s. 7), subs. 2,
re-enacted

(2) Subsection 2 of the said section 89, as re-enacted by section 7 of *The Mining Amendment Act, 1953* and amended by subsection 1 of section 4 of *The Mining Amendment Act, 1956*, is repealed and the following substituted therefor:

Extension
of time

- (2) If application is made to the Commissioner within thirty days before the time forfeiture or loss of rights would occur, he may make an order or orders granting an extension of time in respect of one or more of the following:

1. For affixing the metal tags to the corner posts of the claim.
2. For performing any work required to be performed.

R.S.O. 1950,
c. 236, s. 91,
re-enacted

5. Section 91 of *The Mining Act* is repealed and the following substituted therefor:

91. Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded or where the holder of a claim dies before issue of the patent or lease for the claim, no other person is, without leave of the Commissioner, entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work and applying for patent or lease, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.

Death of
licensee
or holder

6.—(1) Subsection 1 of section 109 of *The Mining Act* is amended by striking out “Mattawan” in the sixth line and inserting in lieu thereof “Mattawa”.

R.S.O. 1950,
c. 236, s. 109,
subs. 1,
amended

(2) Clause *b* of subsection 1 of the said section 109 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 236, s. 109,
subs. 1, cl. *b*,
re-enacted

- (*b*) by furnishing the recorder with an application in duplicate verified by affidavit in the prescribed form not later than thirty-one days from the date of staking.

application
to recorder

7. Section 201 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 236, s. 201,
re-enacted

201.—(1) In this section, “co-owner” includes co-lessee and co-licensee, and a corporation with share capital and a shareholder thereof shall be deemed to be co-owners.

Interpre-
tation

- (2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and the whole of the rents or expenditures has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their portion of the rents or expenditures for a period of four years, the Commissioner, upon the application of any co-owner who has paid the rents or met the expenditures, may make an order requiring the delinquent co-owner or co-owners to pay within three months of the date of the order, or such further time as the Commissioner may fix, his or their proper portion

Default by
one of
several
co-owners,
etc.

of the rents or expenditures to the co-owner or co-owners who has or have paid the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as may be allowed by the Commissioner.

Vesting
order

- (3) The order may be served in such manner as the Commissioner may direct, and if at the expiration of the period fixed by the order, or such further time as may have been ordered by the Commissioner, it appears to him that payment has not been made in accordance therewith, he may make an order vesting the interest of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid the rents or expenditures.

Death of
delinquent

- (4) Where a delinquent co-owner has died either before or after default in respect of his portion and no person has taken out administration of his estate or has obtained probate of his will, any order made under this section may be directed to and served upon his heirs.

Order
against
corporation

- (5) An order made under this section against a corporation shall be directed to such corporation only.

Fee

- (6) An application under subsection 2 shall be accompanied by a fee of \$25.

R.S.O. 1950,
c. 236, s. 202,
subs. 1,
amended

8. Subsection 1 of section 202 of *The Mining Act* is amended by striking out "Mattawan" in the third line and inserting in lieu thereof "Mattawa".

R.S.O. 1950,
c. 236, s. 226
(1957, c. 71,
s. 18),
subs. 2,
re-enacted

9. Subsection 2 of section 226 of *The Mining Act*, as enacted by section 18 of *The Mining Amendment Act, 1957*, is repealed and the following substituted therefor:

Exemption
from
acreage
tax

- (2) Where land that was not subject to tax under this Act becomes subject to tax because the surface rights thereof have been severed from the mining rights for a public road, highway or public utility, the Minister may exempt the mining rights so severed from the tax during such term as he is satisfied that the mining rights are not being used or held for mining purposes.

R.S.O. 1950,
c. 236,
Sched.,
item 18
(1953, c. 64,
s. 9, subs. 2),
re-enacted

- 10.—(1) Item 18 of the Schedule to *The Mining Act*, as re-enacted by subsection 2 of section 9 of *The Mining Amend-*

ment Act, 1953, is repealed and the following substituted therefor:

18. For recording an order of the Mining Commissioner extending the time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim \$ 5.00

18a. For recording an order of the Commissioner relieving against forfeiture or loss of rights and extending the time for performing working conditions, affixing metal tags, making application for patent or lease or authorizing the filing of a belated report of work, per claim 10.00

(2) The said Schedule is amended by adding thereto the following item:

R.S.O. 1950,
c. 236,
Sched.,
amended

21a. For a copy or certified copy of an application to record a mining claim or of a report of work, each \$ 1.00

(3) Item 24 of the said Schedule, as re-enacted by sub-section 4 of section 25 of *The Mining Amendment Act, 1955*, is amended by inserting after "under" in the first line "sub-section 2 of", so that the item shall read as follows:

R.S.O. 1950,
c. 236,
Sched.,
item 24
(1955, c. 45,
s. 25,
subs. 4),
amended

24. For filing an application for a mining claim under subsection 2 of section 61 \$10.00

11. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

12. This Act may be cited as *The Mining Amendment Act, 1958* (No. 2).

Short title

An Act to amend The Mining Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 27th, 1958

MR. SPOONER

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Milk Industry Act, 1957

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The change puts The Milk Industry Board of Ontario in a position to arbitrate a matter in dispute whether arising from the failure of negotiating committees to reach agreement or out of an agreement made. Otherwise the clauses remain unchanged.

SECTION 2. The words added are for the purpose of ensuring that, e.g., in the case of a marketing plan for cheese the inspector may inspect farms where the milk for manufacture into cheese is produced.

No. 125

1958

BILL

An Act to amend The Milk Industry Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 15 and 16 of subsection 1 of section 7 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor: 1957, c. 70, s. 7, subs. 1, cls. 15, 16, re-enacted

15. providing for the arbitration by the Board or by a board of arbitration of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by the Board or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15.

2. Subsection 1 of section 9 of *The Milk Industry Act, 1957* is amended by striking out "or a regulated product" in the fifth and sixth lines and inserting in lieu thereof "a regulated product or milk for manufacture into a regulated product" and by striking out "or regulated product" in the seventh line and inserting in lieu thereof "regulated product or milk for manufacture into a regulated product", so that the subsection shall read as follows: 1957, c. 70, s. 9, subs. 1, amended

- (1) Every person, when requested so to do by an officer of the Board or a local board or by a field-man or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products, a regulated product or milk for manufacture into a regulated product, shall, in respect of the fluid milk, fluid milk products, regulated product or milk for manufacture into a regulated product, produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. Production of records

1957, c. 70,
s. 21, subs. 1,
amended

3. Subsection 1 of section 21 of *The Milk Industry Act, 1957* is amended by inserting after "committees" in the fifteenth line "and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk", so that the subsection shall read as follows:

Collective
bargaining,
producers
and
distributors

- (1) The producers of fluid milk or an association of producers representing them, or the distributors of fluid milk products or an association of distributors representing them, in any market or in any group of markets may by notice require,

- (a) in the case of producers, the distributors to whom they sell the fluid milk; or

- (b) in the case of distributors, the producers from whom they purchase the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the purchase and sale of the fluid milk and to establish principles upon which quotas or bases shall be determined and establish quota or base committees and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk, and, where the distributors transport the fluid milk from the premises of the producers, the charges that may be made therefor and the terms and conditions relating to the transportation of the fluid milk.

1957, c. 70,
s. 23, subs. 1,
re-enacted;
subs. 2,
repealed

4. Subsections 1 and 2 of section 23 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor:

Agreements,
filing and
commence-
ment

- (1) Every agreement shall be filed forthwith after the making thereof with the Board and the Board may by order declare the agreement or part thereof to come into force on the day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

1957, c. 70,
s. 25, subs. 1,
amended

5. Subsection 1 of section 25 of *The Milk Industry Act, 1957* is amended by adding at the commencement thereof "Subject to any agreement made under section 21 or award made under section 22", so that the subsection shall read as follows:

SECTION 3. The words added empower negotiating committees to determine the conditions upon which a new producer may make an agreement with a distributor for the supply of fluid milk.

SECTION 4. The subsections repealed require every agreement between producer and distributor to be filed with the Board, provide for it to come into force automatically, and prohibit the filing of an agreement, the operation of which is conditional. The new provision requires a declaration by the Board before the agreement takes effect.

SECTION 5. The words added are necessary in view of the words added to section 21 (1) by section 3 of the Bill.

SECTION 6. The purpose of this section is to ensure that the amendment in section 4 of this Bill is not construed to invalidate existing agreements.

- (1) Subject to any agreement made under section 21 or award made under section 22, only the producers who supplied fluid milk to the market at the time the agreement or award was made are entitled to supply fluid milk to the market while the agreement or award is in effect, provided that any other producer,

Who may
supply fluid
milk to
market

- (a) who has arranged with a distributor in the market to purchase his fluid milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

is entitled to supply fluid milk to the market and is bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

6. Every agreement heretofore made under *The Milk Industry Act, 1957* or any predecessor of that Act that is in force on the day this Act comes into force shall be deemed to have been made under *The Milk Industry Act, 1957* as amended by this Act.

Existing
agreements
continued
1957, c. 70

7. This Act may be cited as *The Milk Industry Amendment Act, 1958*.

Short title

An Act to amend
The Milk Industry Act, 1957

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Milk Industry Act, 1957

MR. GOODFELLOW

(Reprinted as amended by the Committee on Agriculture)

EXPLANATORY NOTES

SECTION 1. The change puts The Milk Industry Board of Ontario in a position to arbitrate a matter in dispute whether arising from the failure of negotiating committees to reach agreement or out of an agreement made. Otherwise the clauses remain unchanged.

SECTION 2. The words added are for the purpose of ensuring that, e.g., in the case of a marketing plan for cheese the inspector may inspect farms where the milk for manufacture into cheese is produced.

No. 125

1958

BILL

An Act to amend The Milk Industry Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 15 and 16 of subsection 1 of section 7 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor: 1957, c. 70, s. 7, subs. 1, cls. 15, 16, re-enacted

15. providing for the arbitration by the Board or by a board of arbitration of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by the Board or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15.

2. Subsection 1 of section 9 of *The Milk Industry Act, 1957* is amended by striking out "or a regulated product" in the fifth and sixth lines and inserting in lieu thereof "a regulated product or milk for manufacture into a regulated product" and by striking out "or regulated product" in the seventh line and inserting in lieu thereof "regulated product or milk for manufacture into a regulated product", so that the subsection shall read as follows: 1957, c. 70, s. 9, subs. 1, amended

- (1) Every person, when requested so to do by an officer of the Board or a local board or by a field-man or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products, a regulated product or milk for manufacture into a regulated product, shall, in respect of the fluid milk, fluid milk products, regulated product or milk for manufacture into a regulated product, produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. Production of records

1957, c. 70,
s. 21, subs. 1,
amended

3. Subsection 1 of section 21 of *The Milk Industry Act, 1957* is amended by inserting after "committees" in the fifteenth line "and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk", so that the subsection shall read as follows:

Collective
bargaining,
producers
and
distributors

(1) The producers of fluid milk or an association of producers representing them, or the distributors of fluid milk products or an association of distributors representing them, in any market or in any group of markets may by notice require,

(a) in the case of producers, the distributors to whom they sell the fluid milk; or

(b) in the case of distributors, the producers from whom they purchase the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the purchase and sale of the fluid milk and to establish principles upon which quotas or bases shall be determined and establish quota or base committees and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk, and, where the distributors transport the fluid milk from the premises of the producers, the charges that may be made therefor and the terms and conditions relating to the transportation of the fluid milk.

1957, c. 70,
s. 23, subs. 1,
re-enacted;
subs. 2,
repealed

4. Subsections 1 and 2 of section 23 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor:

Agreements,
filing and
commence-
ment

(1) Every agreement shall be filed forthwith after the making thereof with the Board and the Board may by order declare the agreement or part thereof to come into force on the day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

1957, c. 70,
s. 25, subs. 1,
amended

5. Subsection 1 of section 25 of *The Milk Industry Act, 1957* is amended by adding at the commencement thereof "Subject to any agreement made under section 21 or award made under section 22", so that the subsection shall read as follows:

SECTION 3. The words added empower negotiating committees to determine the conditions upon which a new producer may make an agreement with a distributor for the supply of fluid milk.

SECTION 4. The subsections repealed require every agreement between producer and distributor to be filed with the Board, provide for it to come into force automatically, and prohibit the filing of an agreement, the operation of which is conditional. The new provision requires a declaration by the Board before the agreement takes effect.

SECTION 5. The words added are necessary in view of the words added to section 21 (1) by section 3 of the Bill.

SECTION 6. The purpose of this section is to ensure that the amendment in section 4 of this Bill is not construed to invalidate existing agreements.

- (1) Subject to any agreement made under section 21 or award made under section 22, only the producers who supplied fluid milk to the market at the time the agreement or award was made are entitled to supply fluid milk to the market while the agreement or award is in effect, provided that any other producer,

Who may supply fluid milk to market

- (a) who has arranged with a distributor in the market to purchase his fluid milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

is entitled to supply fluid milk to the market and is bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

6. Every agreement heretofore made under *The Milk Industry Act, 1957* or any predecessor of that Act that is in force on the day this Act comes into force shall be deemed to have been made under *The Milk Industry Act, 1957* as amended by this Act.

Existing agreements continued 1957, c. 70



7. This Act comes into force on the day it receives Royal Assent.

Commencement



8. This Act may be cited as *The Milk Industry Amendment Act, 1958*.

Short title

An Act to amend
The Milk Industry Act, 1957

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. GOODFELLOW

(Reprinted as amended by the
Committee on Agriculture)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Milk Industry Act, 1957

MR. GOODFELLOW

No. 125

1958

BILL

An Act to amend The Milk Industry Act, 1957

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 15 and 16 of subsection 1 of section 7 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor: 1957, c. 70, s. 7, subs. 1, cls. 15, 16, re-enacted

15. providing for the arbitration by the Board or by a board of arbitration of any matter not adopted or settled by agreement under clause 14;
16. providing for the arbitration by the Board or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under clause 14 or any award made under clause 15.

2. Subsection 1 of section 9 of *The Milk Industry Act, 1957* is amended by striking out "or a regulated product" in the fifth and sixth lines and inserting in lieu thereof "a regulated product or milk for manufacture into a regulated product" and by striking out "or regulated product" in the seventh line and inserting in lieu thereof "regulated product or milk for manufacture into a regulated product", so that the subsection shall read as follows: 1957, c. 70, s. 9, subs. 1, amended

- (1) Every person, when requested so to do by an officer of the Board or a local board or by a field-man or by a person appointed by the Board or a local board to inspect the books, records and premises of persons engaged in the producing or marketing of fluid milk, fluid milk products, a regulated product or milk for manufacture into a regulated product, shall, in respect of the fluid milk, fluid milk products, regulated product or milk for manufacture into a regulated product, produce such books and records and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. Production of records

1957, c. 70,
s. 21, subs. 1,
amended

3. Subsection 1 of section 21 of *The Milk Industry Act, 1957* is amended by inserting after "committees" in the fifteenth line "and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk", so that the subsection shall read as follows:

Collective
bargaining,
producers
and
distributors

(1) The producers of fluid milk or an association of producers representing them, or the distributors of fluid milk products or an association of distributors representing them, in any market or in any group of markets may by notice require,

(a) in the case of producers, the distributors to whom they sell the fluid milk; or

(b) in the case of distributors, the producers from whom they purchase the fluid milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying fluid milk to the distributors and to prescribe the terms and conditions relating to the purchase and sale of the fluid milk and to establish principles upon which quotas or bases shall be determined and establish quota or base committees and to determine the conditions upon which a producer who does not supply fluid milk to a distributor at the time the agreement or award is made may arrange with a distributor in the market to purchase his fluid milk, and, where the distributors transport the fluid milk from the premises of the producers, the charges that may be made therefor and the terms and conditions relating to the transportation of the fluid milk.

1957, c. 70,
s. 23, subs. 1,
re-enacted;
subs. 2,
repealed

4. Subsections 1 and 2 of section 23 of *The Milk Industry Act, 1957* are repealed and the following substituted therefor:

Agreements,
filing and
commence-
ment

(1) Every agreement shall be filed forthwith after the making thereof with the Board and the Board may by order declare the agreement or part thereof to come into force on the day named in the agreement or if no day is named in the agreement it shall come into force on a day determined by the Board.

1957, c. 70,
s. 25, subs. 1,
amended

5. Subsection 1 of section 25 of *The Milk Industry Act, 1957* is amended by adding at the commencement thereof "Subject to any agreement made under section 21 or award made under section 22", so that the subsection shall read as follows:

- (1) Subject to any agreement made under section 21 or award made under section 22, only the producers who supplied fluid milk to the market at the time the agreement or award was made are entitled to supply fluid milk to the market while the agreement or award is in effect, provided that any other producer,

Who may
supply fluid
milk to
market

- (a) who has arranged with a distributor in the market to purchase his fluid milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of fluid milk,

is entitled to supply fluid milk to the market and is bound by the agreement or award and every other matter relating to the marketing of fluid milk in the same manner as other producers supplying fluid milk to the market.

6. Every agreement heretofore made under *The Milk Industry Act, 1957* or any predecessor of that Act that is in force on the day this Act comes into force shall be deemed to have been made under *The Milk Industry Act, 1957* as amended by this Act.

Existing
agreements
continued
1957, c. 70

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Milk Industry Amendment Act, 1958*.

Short title

An Act to amend
The Milk Industry Act, 1957

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 27th, 1958

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Farm Products Marketing Act

MR. GOODFELLOW

EXPLANATORY NOTES

SECTION 1. The definition of farm product is restated for greater clarity and to include pulpwood in the farm products that may be regulated.

SECTION 2.—Subsection 1. The re-enactment of clause *a* removes the Board's power to arbitrate disputes and makes the Board's power to settle disputes inapplicable where other procedures for settling disputes are available under the regulations. The amendment also limits the disputes which the Board may settle to those in which one party is a producer.

Subsection 2. The subject matter formerly contained in one clause is broken into three clauses for the purpose of clarification. There is no change in the provisions.

No. 126

1958

BILL

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 131, s. 1,
cl. *b*,
re-enacted

- (*b*) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, pulpwood, or any class or portion of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 131, s. 3,
subs. 1
(1957, c. 34,
s. 2, subs. 1),
cl. *a*,
re-enacted

- (*a*) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product.

(2) Clause *c* of subsection 1 of the said section 3, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 131, s. 3,
subs. 1
(1957, c. 34,
s. 2, subs. 1),
cl. *c*,
re-enacted

- (*c*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(cc) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board may determine;

(ccc) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1950,
c. 131, s. 4,
re-enacted

3. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1951*, subsections 2 and 3 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, subsections 1, 2, 3 and 5 of section 3 of *The Farm Products Marketing Amendment Act, 1955* and section 3 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

Petition
for a plan

4.—(1) Where the Board receives from any group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the marketing or regulating of a farm product or any class or portion thereof and where the Board is of the opinion that the group of producers is fairly representative of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the plan and matters relating to the marketing of the farm product.

Plebiscite
to establish
a plan

(2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or portion thereof will be conducive to the more efficient production and marketing of the farm product, the Board shall submit to a plebiscite of the producers of the farm product or class or portion thereof the question of favour of the plan.

Re-submis-
sion to
plebiscite by
producers

(3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 10 per cent of the producers under the plan asking that the plan be revoked, the Board shall submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a plebiscite shall not be required to be taken in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.

SECTION 3. Section 4 of the Act is re-written for the purpose of improving the procedures for establishing plans and for their revocation or amendment.

- (4) Where in the opinion of the Board an existing plan should be resubmitted to a plebiscite, it may re-submit to a plebiscite of the producers of the regulated product the question of favour of the plan. Re-submission to plebiscite by Board
- (5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes. Plebiscite on amendment of the purposes of a plan
- (6) Where the Board submits to a plebiscite of the producers of a farm product or class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations, Regulations for taking of plebiscite
- (a) prescribing the manner of taking votes in the plebiscite;
 - (b) defining "producer" for the purpose of the plebiscite;
 - (c) providing for the registration of producers and the preparation and revision of voters' lists;
 - (d) providing for the appointment and powers of revising officers to add names to or omit names from the voters' lists;
 - (e) providing for appeals to the Board from any decision of a revising officer;
 - (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;
 - (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purpose of the plebiscite and the notices to be given to producers;
 - (h) respecting any other matter which the Board deems necessary or advisable for the taking of the plebiscite.

Result of
plebiscite
to establish
or amend
a plan

- (7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be.

Result of
plebiscite
on re-
submission
of plan

- (8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the existing plan be revoked.

Regulations
for plan to
be submitted
to plebiscite

- (9) Where the question of favour of a plan is submitted to a plebiscite, the regulations made or proposed to be made in respect of the plan shall also be submitted, but such submission shall not limit the powers of the Board to make regulations.

Regulations
respecting
plans and
local boards

- 4a.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;
- (b) defining producer or classes of producers for the purpose of any plan;
- (c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, as amended from time to time;
- (d) prescribing by-laws for regulating the government of local boards and the conduct of their affairs;
- (e) dissolving a local board on such terms and conditions as he may deem proper and providing for the disposition of the assets of the local board.

1953, c. 19

Application
of plan

- (2) Any plan may apply to all of Ontario or to any area within Ontario and may apply to the producers of one or more farm products or any class, variety,

SECTION 4. The power to prescribe the manner of taking votes is deleted in view of the more complete provision in subsection 6 of section 4 contained in section 3 of this bill.

SECTION 5. The purpose of this section is to ensure that amendments relating to the establishment of plans will not be construed as invalidating plans established under former provisions.

grade or size of farm product including any class of farm product marketed for a particular purpose.

- (3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established. Contents of plan

4. Clause 23 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950 c. 131, s. 6 (1957, c. 34, s. 4), subs. 1, cl. 23, re-enacted

23. prescribing the percentages of votes required under section 4.

5. Every plan heretofore approved, every regulation heretofore made, every order heretofore made by the Board, any local board or any marketing agency, and every agreement and every award heretofore made, or purporting to have been approved or made, under *The Farm Products Marketing Act*, and which has not been revoked before this Act comes into force, are hereby confirmed and shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act. Existing plans, regulations, orders, etc., continued R.S.O. 1950, c. 131

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1958*. Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Farm Products Marketing Act

MR. GOODFELLOW

(Reprinted as amended by the Committee on Agriculture)

EXPLANATORY NOTES

SECTION 1. The definition of farm product is restated for greater clarity.

SECTION 2.—Subsection 1. The re-enactment of clause *a* removes the Board's power to arbitrate disputes and makes the Board's power to settle disputes inapplicable where other procedures for settling disputes are available under the regulations. The amendment also limits the disputes which the Board may settle to those in which one party is a producer.

Subsection 2. The subject matter formerly contained in one clause is broken into three clauses for the purpose of clarification. There is no change in the provisions.

BILL

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 131, s. 1,
cl. *b*,
re-enacted

- (*b*) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or portion of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 131, s. 3,
subs. 1
(1957, c. 34,
s. 2, subs. 1),
cl. *a*,
re-enacted

- (*a*) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product.

(2) Clause *c* of subsection 1 of the said section 3, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 131, s. 3,
subs. 1
(1957, c. 34,
s. 2, subs. 1),
cl. *c*,
re-enacted

- (*c*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(cc) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board may determine;

(ccc) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1950,
c. 131, s. 4,
re-enacted

3. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1951*, subsections 2 and 3 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, subsections 1, 2, 3 and 5 of section 3 of *The Farm Products Marketing Amendment Act, 1955* and section 3 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

Petition
for a plan

4.—(1) Where the Board receives from any group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the marketing or regulating of a farm product or any class or portion thereof and where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the plan and matters relating to the marketing of the farm product.

Plebiscite
to establish
a plan

(2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or portion thereof will be conducive to the more efficient production and marketing of the farm product, the Board shall submit to a plebiscite of the producers of the farm product or class or portion thereof the question of favour of the plan.

Re-submis-
sion to
plebiscite by
producers

(3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board shall submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a plebiscite shall not be required to be taken in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.

SECTION 3. Section 4 of the Act is re-written for the purpose of improving the procedures for establishing plans and for their revocation or amendment.

- (4) Where in the opinion of the Board an existing plan should be resubmitted to a plebiscite, it may re-submit to a plebiscite of the producers of the regulated product the question of favour of the plan. Re-submission to plebiscite by Board
- (5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes. Plebiscite on amendment of the purposes of a plan
- (6) Where the Board submits to a plebiscite of the producers of a farm product or class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations, Regulations for taking of plebiscite
- (a) prescribing the manner of taking votes in the plebiscite;
 - (b) defining "producer" for the purpose of the plebiscite;
 - (c) providing for the registration of producers and the preparation and revision of voters' lists;
 - (d) providing for the appointment and powers of revising officers to add names to or omit names from the voters' lists;
 - (e) providing for appeals to the Board from any decision of a revising officer;
 - (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;
 - (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purpose of the plebiscite and the notices to be given to producers;
 - (h) respecting any other matter which the Board deems necessary or advisable for the taking of the plebiscite.

Result of
plebiscite
to establish
or amend
a plan

- (7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be.

Result of
plebiscite
on re-
submission
of plan

- (8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the existing plan be revoked.

Regulations
for plan to
be submitted
to plebiscite

- (9) Where the question of favour of a plan is submitted to a plebiscite, the regulations made or proposed to be made in respect of the plan shall also be submitted, but such submission shall not limit the powers of the Board to make regulations.

Regulations
respecting
plans and
local boards

- 4a.—(1) The Lieutenant-Governor in Council may make regulations,

(a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;

(b) defining producer or classes of producers for the purpose of any plan;

(c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, as amended from time to time;

(d) prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws not inconsistent with this Act, regulations made under this clause or regulations made under the plan under which the local board is established as amended from time to time;

(e) dissolving a local board on such terms and conditions as he may deem proper and providing for the disposition of the assets of the local board.

1953, c. 19

SECTION 4. The power to prescribe the manner of taking votes is deleted in view of the more complete provision in subsection 6 of section 4 contained in section 3 of this bill.

SECTION 5. The purpose of this section is to ensure that amendments relating to the establishment of plans will not be construed as invalidating plans established under former provisions.

- (2) Any plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose and to any or all persons engaged in producing, marketing or processing one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose.

Application
of plan

- (3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established.

Contents
of plan

4. Clause 23 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950
c. 131, s. 6
(1957, c. 34,
s. 4),
subs. 1,
cl. 23,
re-enacted

23. prescribing the percentages of votes required under section 4.

5. Every plan heretofore approved, every regulation heretofore made, every order heretofore made by the Board, any local board or any marketing agency, and every agreement and every award heretofore made, or purporting to have been approved or made, under *The Farm Products Marketing Act*, and which has not been revoked before this Act comes into force, are hereby confirmed and shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act.

Existing
plans,
regulations,
orders, etc.,
continuedR.S.O. 1950,
c. 131

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1958*.

Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. GOODFELLOW

(Reprinted as amended by the
Committee on Agriculture)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Farm Products Marketing Act

MR. GOODFELLOW

No. 126

1958

BILL

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 131, s. 1, cl. b, re-enacted

(b) "farm product" means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco, wood, or any class or portion of any such product, and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Farm Products Marketing Act*, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 131, s. 3, subs. 1 (1957, c. 34, s. 2, subs. 1), cl. a, re-enacted

(a) subject to the regulations, investigate, adjust or otherwise settle any dispute relating to the marketing of a regulated product between producers and persons engaged in marketing or processing the regulated product.

(2) Clause *c* of subsection 1 of the said section 3, as re-enacted by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 131, s. 3, subs. 1 (1957, c. 34, s. 2, subs. 1), cl. c, re-enacted

(c) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(cc) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board may determine;

(ccc) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1950,
c. 131, s. 4,
re-enacted

3. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1951*, subsections 2 and 3 of section 3 of *The Farm Products Marketing Amendment Act, 1954*, subsections 1, 2, 3 and 5 of section 3 of *The Farm Products Marketing Amendment Act, 1955* and section 3 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor:

Petition
for a plan

4.—(1) Where the Board receives from any group of producers in Ontario or any part thereof a petition or request asking that a plan be established for the marketing or regulating of a farm product or any class or portion thereof and where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the plan and matters relating to the marketing of the farm product.

Plebiscite
to establish
a plan

(2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the marketing or regulating of a farm product or any class or portion thereof will be conducive to the more efficient production and marketing of the farm product, the Board shall submit to a plebiscite of the producers of the farm product or class or portion thereof the question of favour of the plan.

Re-submis-
sion to
plebiscite by
producers

(3) Where the Board receives from producers of a regulated product a petition which in the opinion of the Board bears the signatures of at least 15 per cent of the producers under the plan asking that the plan be revoked, the Board shall submit to a plebiscite of the producers of the regulated product the question of favour of the plan, but a plebiscite shall not be required to be taken in respect of a plan that was established within the preceding year or a plan on which a plebiscite of the producers was taken on a like question within the preceding two years.

- (4) Where in the opinion of the Board an existing plan should be resubmitted to a plebiscite, it may re-submit to a plebiscite of the producers of the regulated product the question of favour of the plan. Re-submission to plebiscite by Board
- (5) Where the Board receives from a local board a request that amendment be made of the purposes of the plan under which the local board is established, the Board may submit to a plebiscite of the producers of the regulated product the question of favour of the proposed purposes. Plebiscite on amendment of the purposes of a plan
- (6) Where the Board submits to a plebiscite of the producers of a farm product or class or portion thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations, Regulations for taking of plebiscite
- (a) prescribing the manner of taking votes in the plebiscite;
 - (b) defining "producer" for the purpose of the plebiscite;
 - (c) providing for the registration of producers and the preparation and revision of voters' lists;
 - (d) providing for the appointment and powers of revising officers to add names to or omit names from the voters' lists;
 - (e) providing for appeals to the Board from any decision of a revising officer;
 - (f) providing that a person shall not be entitled to vote in the plebiscite unless his name appears on the voters' list as revised;
 - (g) providing for the taking of the plebiscite, including the times and places of voting, the appointment of persons for the purpose of the plebiscite and the notices to be given to producers;
 - (h) respecting any other matter which the Board deems necessary or advisable for the taking of the plebiscite.

Result of
plebiscite
to establish
or amend
a plan

- (7) Where a plebiscite is taken under subsection 2 or 5 and the percentage of votes in favour of the question submitted is not less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the proposed plan be established or the existing plan be amended, as the case may be.

Result of
plebiscite
on re-
submission
of plan

- (8) Where a plebiscite is taken under subsection 3 or 4 and the percentage of votes in favour of the existing plan is less than the percentage of votes of persons voting or eligible to vote, prescribed in the regulations, the Board may recommend that the existing plan be revoked.

Regulations
for plan to
be submitted
to plebiscite

- (9) Where the question of favour of a plan is submitted to a plebiscite, the regulations made or proposed to be made in respect of the plan shall also be submitted, but such submission shall not limit the powers of the Board to make regulations.

Regulations
respecting
plans and
local boards

4a.—(1) The Lieutenant-Governor in Council may make regulations,

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans;
- (b) defining producer or classes of producers for the purpose of any plan;
- (c) giving to any local board any or all of the powers which are vested in a co-operative corporation incorporated under Part V of *The Corporations Act, 1953*, as amended from time to time;
- (d) prescribing by-laws for regulating the government of local boards and the conduct of their affairs, but any local board may make by-laws not inconsistent with this Act, regulations made under this clause or regulations made under the plan under which the local board is established as amended from time to time;
- (e) dissolving a local board on such terms and conditions as he may deem proper and providing for the disposition of the assets of the local board.

- (2) Any plan may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose and to any or all persons engaged in producing, marketing or processing one or more farm products or any portion, class, variety, grade or size of farm product including any portion or class of farm product marketed for a particular purpose. Application of plan
- (3) The method by which the members of a local board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the local board is established. Contents of plan
4. Clause 23 of subsection 1 of section 6 of *The Farm Products Marketing Act*, as re-enacted by section 4 of *The Farm Products Marketing Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950 c. 131, s. 6 (1957, c. 34, s. 4), subs. 1, cl. 23, re-enacted
23. prescribing the percentages of votes required under section 4.
5. Every plan heretofore approved, every regulation heretofore made, every order heretofore made by the Board, any local board or any marketing agency, and every agreement and every award heretofore made, or purporting to have been approved or made, under *The Farm Products Marketing Act*, and which has not been revoked before this Act comes into force, are hereby confirmed and shall be deemed to have been made under *The Farm Products Marketing Act* as amended by this Act. Existing plans, regulations, orders, etc., continued R.S.O. 1950, c. 131
6. This Act comes into force on the day it receives Royal Assent. Commencement
7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1958*. Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 27th, 1958

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to regulate the
Storage of Farm Produce in Grain Elevators

MR. GOODFELLOW

EXPLANATORY NOTE

The purpose of the Bill is to protect the proprietary interest of farmers in farm produce that is delivered to an elevator for future sale and is mixed with other produce that is owned by the elevator operator or other persons. The Bill clarifies the time at which title passes, regulates the accounting for stored produce, provides safeguards for farmers against bankruptcy, dishonesty and destruction, and provides for inspection to enforce the requirements.

BILL

An Act to regulate the Storage of Farm Produce in Grain Elevators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chief Inspector" means Chief Inspector appointed under this Act;
- (b) "farm produce" means beans, cereal grains, corn or grass seeds produced in Ontario;
- (c) "grain elevator" means premises on which farm produce is stored;
- (d) "grain elevator operator" means a person who receives or offers to receive farm produce for storage;
- (e) "grain storage receipt" means a receipt in a form prescribed by the regulations and issued by a grain elevator operator in respect of farm produce in storage;
- (f) "regulations" means regulations made under this Act;
- (g) "stored" when used with respect to farm produce means delivered to a grain elevator upon terms that the ownership is to remain in the deliverer, and "storage" has a corresponding meaning;
- (h) "weigh-ticket" means a receipt issued by a grain elevator operator to a producer in the form prescribed by the regulations.

2.—(1) Subject to an agreement in writing to the contrary, where farm produce is delivered to an elevator and a grain storage receipt is issued, the delivery of the farm produce shall be deemed to be for storage.

Receipt
where grain
not for
storage

(2) A grain elevator operator shall not issue a grain storage receipt for grain delivered upon terms other than for storage unless he marks on the receipt in bold print that the receipt is not a grain storage receipt under this Act.

Contract for
sale to be
written

3. A contract for the sale of farm produce to the operator of the grain elevator in which it is stored shall not be enforceable by action unless the contract is written on the grain storage receipt issued for the farm produce and signed by the parties.

Storage
charges

4. Unless it is agreed in writing to the contrary, farm produce stored in a grain elevator shall not be subject to any lien, charge or set-off other than for storage charges in respect of the farm produce.

R.S.O. 1950,
c. 125, s. 2,
not to
apply

5. Section 2 of *The Factors Act* does not apply to farm produce in possession of a grain elevator operator for storage, or to a document of title thereto.

Appointment
of Chief
Inspector
and
inspectors

6. The Lieutenant-Governor in Council may appoint a Chief Inspector to administer and enforce this Act, and may appoint one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or the Chief Inspector.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator without a licence as a grain elevator operator issued by the Chief Inspector in respect of the grain elevator.

Conditions
of licence

(2) The Chief Inspector may refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to engage properly in the business of a grain elevator operator.

Suspension,
revocation
or non-
renewal
of licence

(3) The Chief Inspector may suspend, revoke or refuse to renew a licence for failure to carry out the provisions of this Act or the regulations, or for failure to provide promptly and accurately a grain storage receipt to a producer from whom the grain elevator operator received farm produce for storage.

Duties of
Chief
Inspector

8. Where the Chief Inspector suspends, revokes or fails to renew the licence of a grain elevator operator, the Chief Inspector may perform such services and do such acts as he deems necessary to protect the property of the producers of farm produce received for storage at the grain elevator.

Grain
storage
receipt

9.—(1) Upon delivery of farm produce for storage, the grain elevator operator shall issue a grain storage receipt.

(2) No person shall issue or receive more than one grain storage receipt in respect of the same farm produce. Not more than one receipt

10.—(1) Where a producer delivers for storage any kind of farm produce in more than one delivery, the grain elevator operator shall, for each delivery, issue to the producer a weigh-ticket. Weigh-ticket

(2) Where a grain elevator operator issues weigh-tickets under subsection 1, he shall issue a grain storage receipt immediately after the last delivery of the farm produce and upon the surrender of the weigh-tickets, but in no case later than ten days from the date of issue of the weigh-ticket first issued. Surrender of weigh-tickets for receipt

11.—(1) Every grain elevator operator shall keep copies of all weigh-tickets issued to each producer in a separate account kept for that purpose only, until he issues grain storage receipts for the full amount of the weigh-tickets. Copies of weigh-tickets

(2) No person shall issue a grain storage receipt or weigh-ticket without making and keeping a complete record of the matters recorded thereon. Records

12.—(1) No person shall sign a grain storage receipt on behalf of a grain elevator operator except a person designated by him. Signing of receipts

(2) A grain elevator operator shall report promptly to the Chief Inspector the name and address of any person designated by him to sign receipts. Report to Chief Inspector

13.—(1) Every licensed grain elevator operator shall insure with an insurer licensed under *The Insurance Act* all farm produce stored by him for which grain storage receipts and weigh-tickets have been issued, against loss or damage by fire, lightning, explosion occurring on the grain elevator premises, windstorm and hail, to the full market value of the farm produce in storage. Insurance R.S.O. 1950, c. 183

(2) Every contract of insurance in which the coverage referred to in subsection 1 is included shall provide that payment thereunder shall not be made without the consent of the Chief Inspector. Payment of insurance

14. Every grain elevator operator shall furnish to the Chief Inspector in such form and at such times as he may require a statement showing the full market value of farm produce in storage at his grain elevator and the particulars of insurance under section 13. Operator to supply particulars of insurance

Storage not
to exceed
capacity

15.—(1) Subject to subsection 2, no grain elevator operator shall receive for storage any amount of farm produce greater than the storage capacity of his grain elevator.

Contract for
storage in
another
elevator

(2) A grain elevator operator may, under *bona fide* contract for storage facilities at the grain elevators of other grain elevator operators licensed under this Act or any Act of the Parliament of Canada, or other person on premises acceptable to the Chief Inspector, store therein farm produce received for storage at his grain elevator.

Farm
produce in
storage to
correspond
to receipts

16. Every grain elevator operator shall at all times have in his grain elevator or in other storage under subsection 2 of section 15 such amounts of farm produce of each kind and grade as shall be at least equal to the total amounts of outstanding grain storage receipts and weigh-tickets issued by him.

Inspection

17.—(1) The Chief Inspector or an inspector may at any time enter any grain elevator and inspect the grain stored and the books and records pertaining thereto.

Idem

(2) Every person, when requested so to do by the Chief Inspector or an inspector, shall permit inspection of any premises operated as a grain elevator and shall produce and permit inspection of books and records and supply extracts respecting farm produce in storage.

Idem

(3) No person shall hinder or obstruct the Chief Inspector or an inspector in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Penalties

18. Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 for a first offence and to a penalty of not more than \$5,000 or to a term of imprisonment of not more than one year for any subsequent offence.

Regulations

19. The Lieutenant-Governor in Council may make regulations,

- (a) providing for the licensing of grain elevator operators;
- (b) prescribing the duties of the Chief Inspector and inspectors;
- (c) prescribing the forms and providing for the use thereof;

(d) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

20. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

21. This Act may be cited as *The Grain Elevator Storage* ^{Short title}
Act, 1958.

An Act to regulate the Storage of
Farm Produce in Grain Elevators

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL
An Act to regulate the
Storage of Farm Produce in Grain Elevators

MR. GOODFELLOW

No. 127

1958

BILL

An Act to regulate the Storage of Farm Produce in Grain Elevators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chief Inspector" means Chief Inspector appointed under this Act;
- (b) "farm produce" means beans, cereal grains, corn or grass seeds produced in Ontario;
- (c) "grain elevator" means premises on which farm produce is stored;
- (d) "grain elevator operator" means a person who receives or offers to receive farm produce for storage;
- (e) "grain storage receipt" means a receipt in a form prescribed by the regulations and issued by a grain elevator operator in respect of farm produce in storage;
- (f) "regulations" means regulations made under this Act;
- (g) "stored" when used with respect to farm produce means delivered to a grain elevator upon terms that the ownership is to remain in the deliverer, and "storage" has a corresponding meaning;
- (h) "weigh-ticket" means a receipt issued by a grain elevator operator to a producer in the form prescribed by the regulations.

2.—(1) Subject to an agreement in writing to the contrary, where farm produce is delivered to an elevator and a grain storage receipt is issued, the delivery of the farm produce shall be deemed to be for storage.

Receipt
where grain
not for
storage

(2) A grain elevator operator shall not issue a grain storage receipt for grain delivered upon terms other than for storage unless he marks on the receipt in bold print that the receipt is not a grain storage receipt under this Act.

Contract for
sale to be
written

3. A contract for the sale of farm produce to the operator of the grain elevator in which it is stored shall not be enforceable by action unless the contract is written on the grain storage receipt issued for the farm produce and signed by the parties.

Storage
charges

4. Unless it is agreed in writing to the contrary, farm produce stored in a grain elevator shall not be subject to any lien, charge or set-off other than for storage charges in respect of the farm produce.

R.S.O. 1950,
c. 125, s. 2,
not to
apply

5. Section 2 of *The Factors Act* does not apply to farm produce in possession of a grain elevator operator for storage, or to a document of title thereto.

Appointment
of Chief
Inspector
and
inspectors

6. The Lieutenant-Governor in Council may appoint a Chief Inspector to administer and enforce this Act, and may appoint one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or the Chief Inspector.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator without a licence as a grain elevator operator issued by the Chief Inspector in respect of the grain elevator.

Conditions
of licence

(2) The Chief Inspector may refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to engage properly in the business of a grain elevator operator.

Suspension,
revocation
or non-
renewal
of licence

(3) The Chief Inspector may suspend, revoke or refuse to renew a licence for failure to carry out the provisions of this Act or the regulations, or for failure to provide promptly and accurately a grain storage receipt to a producer from whom the grain elevator operator received farm produce for storage.

Duties of
Chief
Inspector

8. Where the Chief Inspector suspends, revokes or fails to renew the licence of a grain elevator operator, the Chief Inspector may perform such services and do such acts as he deems necessary to protect the property of the producers of farm produce received for storage at the grain elevator.

Grain
storage
receipt

9.—(1) Upon delivery of farm produce for storage, the grain elevator operator shall issue a grain storage receipt.

(2) No person shall issue or receive more than one grain storage receipt in respect of the same farm produce. Not more than one receipt

10.—(1) Where a producer delivers for storage any kind of farm produce in more than one delivery, the grain elevator operator shall, for each delivery, issue to the producer a weigh-ticket. Weigh-ticket

(2) Where a grain elevator operator issues weigh-tickets under subsection 1, he shall issue a grain storage receipt immediately after the last delivery of the farm produce and upon the surrender of the weigh-tickets, but in no case later than ten days from the date of issue of the weigh-ticket first issued. Surrender of weigh-tickets for receipt

11.—(1) Every grain elevator operator shall keep copies of all weigh-tickets issued to each producer in a separate account kept for that purpose only, until he issues grain storage receipts for the full amount of the weigh-tickets. Copies of weigh-tickets

(2) No person shall issue a grain storage receipt or weigh-ticket without making and keeping a complete record of the matters recorded thereon. Records

12.—(1) No person shall sign a grain storage receipt on behalf of a grain elevator operator except a person designated by him. Signing of receipts

(2) A grain elevator operator shall report promptly to the Chief Inspector the name and address of any person designated by him to sign receipts. Report to Chief Inspector

13.—(1) Every licensed grain elevator operator shall insure with an insurer licensed under *The Insurance Act* all farm produce stored by him for which grain storage receipts and weigh-tickets have been issued, against loss or damage by fire, lightning, explosion occurring on the grain elevator premises, windstorm and hail, to the full market value of the farm produce in storage. Insurance R.S.O. 1950, c. 183

(2) Every contract of insurance in which the coverage referred to in subsection 1 is included shall provide that payment thereunder shall not be made without the consent of the Chief Inspector. Payment of insurance

14. Every grain elevator operator shall furnish to the Chief Inspector in such form and at such times as he may require a statement showing the full market value of farm produce in storage at his grain elevator and the particulars of insurance under section 13. Operator to supply particulars of insurance

Storage not
to exceed
capacity

15.—(1) Subject to subsection 2, no grain elevator operator shall receive for storage any amount of farm produce greater than the storage capacity of his grain elevator.

Contract for
storage in
another
elevator

(2) A grain elevator operator may, under *bona fide* contract for storage facilities at the grain elevators of other grain elevator operators licensed under this Act or any Act of the Parliament of Canada, or other person on premises acceptable to the Chief Inspector, store therein farm produce received for storage at his grain elevator.

Farm
produce in
storage to
correspond
to receipts

16. Every grain elevator operator shall at all times have in his grain elevator or in other storage under subsection 2 of section 15 such amounts of farm produce of each kind and grade as shall be at least equal to the total amounts of outstanding grain storage receipts and weigh-tickets issued by him.

Inspection

17.—(1) The Chief Inspector or an inspector may at any time enter any grain elevator and inspect the grain stored and the books and records pertaining thereto.

Idem

(2) Every person, when requested so to do by the Chief Inspector or an inspector, shall permit inspection of any premises operated as a grain elevator and shall produce and permit inspection of books and records and supply extracts respecting farm produce in storage.

Idem

(3) No person shall hinder or obstruct the Chief Inspector or an inspector in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Penalties

18. Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 for a first offence and to a penalty of not more than \$5,000 or to a term of imprisonment of not more than one year for any subsequent offence.

Regulations

19. The Lieutenant-Governor in Council may make regulations,

- (a) providing for the licensing of grain elevator operators;
- (b) prescribing the duties of the Chief Inspector and inspectors;
- (c) prescribing the forms and providing for the use thereof;

(d) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

20. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

21. This Act may be cited as *The Grain Elevator Storage* ^{Short title} *Act, 1958.*

An Act to regulate the Storage of
Farm Produce in Grain Elevators

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 27th, 1958

MR. GOODFELLOW

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Traffic Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1—Subsections 1, 2. The references to Department and Minister are changed from Highways to Transport in accordance with *The Department of Transport Act, 1957*.

Subsection 3. The amendment excludes self-propelled implements of husbandry from the definition of motor vehicle.

Subsection 4. "Roadway" is defined for the purposes of the Act.

"Urban area" is defined for the purpose of reducing speed in such areas to 40 miles per hour under the proposed amendment to subsection 1 of section 28. (See section 9 of this Bill.)

BILL

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *e*,
re-enacted

(*e*) "Department" means Department of Transport.

(2) Clause *l* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *l*,
re-enacted

(*l*) "Minister" means Minister of Transport.

(3) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "tractor" in the sixth line "self-propelled implement of husbandry", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *m*,
amended

(*m*) "motor vehicle" includes automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

(4) Subsection 1 of the said section 1 is amended by adding thereto the following clauses:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
amended

(*tt*) "roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

.

(ww) "urban area" means the territory contiguous to a highway not within a city, town, village, police village or built-up area that is occupied by dwellings, buildings used for business purposes, schools or churches at intervals of less than 100 feet for a distance of a quarter of a mile or more and that is marked by signs displayed as required by the regulations.

R.S.O. 1950,
c. 167, s. 2,
subs. 2,
amended

2. Subsection 2 of section 2 of *The Highway Traffic Act* is amended by inserting after "Minister" in the second line "and Deputy Minister" and by adding at the end thereof "or Deputy Minister", so that the subsection shall read as follows:

Duties

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister or Deputy Minister.

R.S.O. 1950,
c. 167,
amended

3. *The Highway Traffic Act* is amended by renumbering section 2a, as enacted by section 2 of *The Highway Traffic Amendment Act, 1957*, as section 2b and by adding thereto the following section:

Deputy
Registrar

2a. There shall be a Deputy Registrar appointed by the Lieutenant-Governor in Council who shall have all the powers and may perform all the duties of the Registrar.

R.S.O. 1950,
c. 167, s. 10,
subs. 7,
amended

4.—(1) Subsection 7 of section 10 of *The Highway Traffic Act* is amended by inserting after "green" in the sixth line "or amber", so that the subsection shall read as follows:

Side marker
lamps

(7) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or com-

SECTION 2. At present, the Registrar acts under the instructions of the Minister. The amendment provides that he shall also carry out the instructions of the Deputy Minister.

SECTION 3. The new section provides for a Deputy Registrar.

SECTION 4—Subsection 1. The amendment provides that side marker lamps required on the front of motor vehicles may display an amber light as well as a green light.

Subsection 2. Self-explanatory.

SECTION 5. At present, a motor vehicle is required to be equipped with a muffler. The amendment provides that it must be in good working order at all times and that the engine must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

SECTION 6. Self-explanatory.

SECTION 7. Subsection 4 provides that a licence may not be issued to a chauffeur unless he files with the Department a certificate as to his character and a chief constable may furnish such a certificate. The amendment authorizes the chief constable to delegate this power to any constable.

bination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 10,
amended

(9a) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamp shall only be illuminated when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp. Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

5. Subsection 1 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 17,
subs. 1,
re-enacted

(1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle. Muffler

(1a) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Fumes from
engine

6. Section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 19,
is amended

(3a) No vehicle, including load or contents, shall have a greater height than 13 feet 6 inches. Height of
vehicles

7. Section 21 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 21,
is amended

(4a) The chief constable of a municipality may authorize any constable on the police force of the municipality to furnish certificates under subsection 4. Chief
constable
may delegate
authority
under sub-
section 4

R.S.O. 1950,
c. 167, s. 25,
subs. 2,
amended

8. Subsection 2 of section 25 of *The Highway Traffic Act* is amended by striking out "and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

Unlawful
possession
of permit

- (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days.

R.S.O. 1950,
c. 167, s. 28,
subs. 1, cl. a,
subs. 1, ii,
re-enacted

9.—(1) Subclauses i and ii of clause a of subsection 1 of section 28 of *The Highway Traffic Act* are repealed and the following substituted therefor:

- (i) upon a highway not within a city, town, village, police village, built-up area or urban area, or
- (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled-access highway under *The Highway Improvement Act, 1957*, whether or not such highway is within a city, town, village, police village, built-up area or urban area.

1957, c. 43

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

(2) Subsection 1 of the said section 28, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following clause:

- (bb) subject to clause a, 40 miles per hour upon a highway within an urban area.

R.S.O. 1950,
c. 167, s. 28,
subs. 3b
(1957, c. 44,
s. 6, subs. 2),
re-enacted

(3) Subsection 3b of the said section 28, as re-enacted by subsection 2 of section 6 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

On King's
Highway

- (3b) The Lieutenant-Governor in Council may make regulations prescribing a higher or lower rate of speed than the rate of speed prescribed in this Act or any by-law for any class or classes of motor vehicles upon the King's Highway or any part thereof whether or not the King's Highway or the part thereof is within a city, town, village, police village, built-up area or urban area, and such rate of speed may be different for any period or periods of the day or night.

SECTION 8. The amendment deletes the provisions requiring forfeiture of a motor vehicle.

SECTION 9—Subsections 1 and 2. The amendment provides for a 40-mile per hour limit upon highways in an urban area as defined in section 1 of this Bill.

Subsection 3. The amendment authorizes the Lieutenant-Governor in Council to regulate speeds on the King's Highway whether or not the King's Highway is within a city, town, village, police village, built-up area or urban area.

SECTION 10. At present, the licence of a person convicted for driving carelessly may be suspended for a period of not more than one year. The amendment increases this period to two years.

SECTION 11. The amendment increases the gross weight allowed for a vehicle of three axles from 38,000 to 40,000 pounds.

SECTION 12—Subsection 1. Subsection 1 provides a general right-of-way rule. The amendment is to make it clear that this general rule is subject to the provision dealing with the duties of a driver on approaching a yield right-of-way sign.

Subsection 2. The amendment requires a driver to stop at a red light first at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection.

10. Subsection 1 of section 29 of *The Highway Traffic Act*, R.S.O. 1950, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "one year" in the ninth line and inserting in lieu thereof "two years", so that the subsection shall read as follows: c. 167, s. 29, (1955, c. 29, s. 4), subs. 1, amended

- (1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than two years. Careless driving

11. Clause *b* of subsection 2 of section 34 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "38,000" in the fifth line and inserting in lieu thereof "40,000", so that the clause shall read as follows: R.S.O. 1950, c. 167, s. 34, subs. 2, (1955, c. 29, s. 5), cl. b, amended

- (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant shall not exceed 40,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight upon three axles

12.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954*, subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1955* and subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out the first four lines and inserting in lieu thereof the following: R.S.O. 1950, c. 167, s. 41, subs. 1, amended

- (1) Subject to subsections 3 and 3a, a driver or operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right-of-way to the vehicle on the right. Right-of-way

(2) Clause *c* of subsection 2 of the said section 41 is amended by striking out "immediately before entering the nearest" R.S.O. 1950, c. 167, s. 41, subs. 2, cl. c, amended

crosswalk at the intersection" in the fifth and sixth lines and inserting in lieu thereof "at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection", so that the clause shall read as follows:

- (c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. f,
subcl. ii,
amended

- (3) Subclause ii of clause *f* of subsection 2 of the said section 41 is amended by striking out "unless he can do so with safety and without interfering with vehicular traffic" in the fifth, sixth and seventh lines and inserting in lieu thereof "until a green light is shown", so that the subclause shall read as follows:

- (ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights shall not enter the roadway until a green light is shown.

R.S.O. 1950,
c. 167, s. 41,
amended

- (4) The said section 41 is amended by adding thereto the following subsection:

Pedestrian
control
signals

- (2a) Notwithstanding clause *f* of subsection 2,

- (a) when a "walk" pedestrian control signal is shown, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right-of-way over all vehicles;

- (b) when a "wait" or "don't walk" pedestrian control signal is shown,

- (i) a pedestrian facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown,

Subsection 3. At present, a pedestrian may cross the roadway against a red light if he can do so safely and without interfering with traffic. The amendment provides that he cannot enter the roadway until a green light is shown.

Subsection 4. The amendment authorizes the use of "wait", "walk" pedestrian control signals and prescribes the rules that apply in connection therewith.

Subsection 5. The amendment is to bring the provisions with regard to stopping at a stop sign in line with those with regard to stopping at a red light and to provide that when a driver is required to yield the right-of-way he shall do so with regard to all traffic in the intersection and not just to vehicles as now provided.

Subsection 6. The yield right-of-way provisions are revised. At present, a driver approaching a yield sign cannot cross an intersection at a greater rate of speed than 15 m.p.h. The amendment provides that he must slow down to a speed reasonable for existing conditions and stop if necessary.

- (ii) a pedestrian proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(5) Subsection 3 of the said section 41, as re-enacted by R.S.O. 1950, c. 167, s. 41, subs. 3 (1957, c. 44, s. 9, subs. 3), re-enacted subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

- (3) The driver or operator of a vehicle or car of an Full stop at through highway electric railway,

- (a) upon approaching a stop sign at the entrance to a through highway shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

- (b) upon entering the through highway shall yield the right-of-way to traffic in the intersection or approaching on the through highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(6) Subsection 3a of the said section 41, as enacted by sub- R.S.O. 1950, c. 167, s. 41, subs. 3a (1956, c. 29, s. 8, subs. 1), re-enacted section 1 of section 8 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

- (3a) The driver or operator of a vehicle or car of an Yield right-of-way signs electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause a of subsection 3 and shall yield the right-of-way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution.

- (a) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950,
c. 167, s. 41,
amended

(7) The said section 41 is further amended by adding thereto the following subsections:

When driver
may pass to
right of
vehicle

(5a) Notwithstanding subsections 10, 11, 12, 15 and 16 and subject to subsection 5b, the driver of a motor vehicle may overtake and pass to the right of another vehicle within a city, town or village only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

May pass to
right only
under safe
conditions

(5b) The driver of a motor vehicle shall not overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the roadway.

R.S.O. 1950,
c. 167, s. 41,
subs. 11,
amended

(8) Subsection 11 of the said section 41 is amended by adding at the end thereof "or its driver has signalled his intention to make a left turn", so that the subsection shall read as follows:

Vehicles
or horsemen
overtaking
others

(11) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if the other vehicle is making or about to make a left turn or its driver has signalled his intention to make a left turn.

R.S.O. 1950,
c. 167, s. 41,
subs. 13,
re-enacted

(9) Subsection 13 of the said section 41 is repealed and the following substituted therefor:

Clinging
to vehicles

(13) A person riding upon a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car upon a roadway.

Subsection 7. The new subsections provide for passing on the right of another vehicle within a city, town or village as indicated.

Subsection 8. The amendment is to make it clear that passing on the right is permitted when overtaking another vehicle not only when such vehicle is about to make a left turn but also when the driver has signalled his intention to make a left turn.

Subsection 9. The amendment prohibits persons riding on roller skates, skis, sleds, etc., from clinging to a street car or vehicle upon a roadway.

Subsection 10. The amendment makes it an offence for any person to open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with other persons or vehicles and also makes it an offence to leave a door open on the side of the vehicle available to moving traffic longer than is necessary to load or unload passengers.

SECTION 13. The amendment increases the penalty for littering the highway and brings it in line with the general penalties provided for elsewhere in the Act.

SECTION 14. At present, section 49 of the Act makes the owner liable for the penalties provided for violations except when the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent. The amendment provides that the driver and not the owner shall be liable for the penalties provided for moving violations such as speeding, careless driving and generally the rules of the road.

(10) The said section 41 is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 41,
amended

(19b) No person shall,

Opening
of doors of
motor
vehicles

(a) open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or

(b) leave a door of a motor vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

13. Section 47a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 47a
(1956, c. 29,
s. 10),
re-enacted

47a. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway and is liable for a first offence to a penalty of not less than \$5 and not more than \$50; for a second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200 and in addition his licence or permit may be suspended for a period of not more than sixty days. Littering
highway
prohibited

14.—(1) Section 49 of *The Highway Traffic Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows: R.S.O. 1950,
c. 167, s. 49,
amended

(1) Subject to subsection 2, the owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation. Motor
owner and
driver liable
for penalties

R.S.O. 1950,
c. 167, s. 49,
amended

(2) The said section 49 is further amended by adding thereto the following subsection:

Owner when
not driver
not liable
for penalties

- (2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any violation of section 28, 29, 30, 31, 32, 41, 41a, 41b, 42, 45, 46 or 110 or any regulation or by-law made or passed thereunder.

R.S.O. 1950,
c. 167, s. 54a
(1957, c. 44,
s. 11),
re-enacted

15. Section 54a of *The Highway Traffic Act*, as re-enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

54a. Subject to section 54b, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1950,
c. 167, s. 54b
(1957, c. 44,
s. 11),
subs. 1,
amended

16.—(1) Subsection 1 of section 54b of *The Highway Traffic Act*, as enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is amended by inserting after “under” in the third line “clause a of”, so that the subsection shall read as follows:

Restricted
licence

- (1) Where the licence of a person is suspended for a period of one year under clause a of section 54 or of six months under clause a of section 54a by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such a person subject to such conditions as he may deem proper.

SECTION 15. The amendment increases the penalty for a second or subsequent offence of driving with ability impaired.

SECTION 16. The amendment is necessary by reason of the amendment to section 54a in the previous section to this Bill.

SECTION 17. The amendment places municipal by-laws that regulate or prohibit noise, fumes or smoke from motor vehicles in the same position as by-laws regulating traffic with regard to the approval of the Department.

SECTION 18. The amendment repeals the provisions requiring forfeiture of a motor vehicle.

SECTION 19. At present, penalties provided for first, second, third and subsequent offences under the Act relate only to offences committed in the same calendar year. The amendment will relate them to offences committed in any twelve-month period.

(2) Subsection 2 of the said section 54*b* is amended by R.S.O. 1950, c. 167, s. 54*b*, inserting after "under" in the sixth line "clause *a* of", so that (1957, c. 44, s. 11), subs. 2, amended the subsection shall read as follows:

- (2) Notwithstanding sections 21 and 75, a restricted Term of licence issued under subsection 1 shall authorize the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause *a* of section 54 or for the last three-month period of the suspension under clause *a* of section 54*a*, as the case may be. licence

17. Subsection 1 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 60, subs. 1, re-enacted

- (1) Every provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for, Municipal by-laws approved

(a) regulating traffic on the highways; or

(b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or

(c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

that is inconsistent with this Act, is deemed to be repealed and hereafter all by-laws passed for any of the purposes mentioned in clauses *a*, *b* and *c* shall not become operative until approved by the Department.

18. Subsection 2 of section 68 of *The Highway Traffic Act* is repealed. R.S.O. 1950, c. 167, s. 68, subs. 2, repealed

19. Section 71 of *The Highway Traffic Act* is amended by R.S.O. 1950, c. 167, s. 71, striking out "the same calendar year" in the fourth line and inserting in lieu thereof "any twelve-month period", so that amended the section shall read as follows:

71. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words Interpretation "first", "second", "third", or "subsequent" shall relate only to offences committed in any twelve-month period; but this shall not apply to offences under the sections referred to in subsection 1 of section 59.

R.S.O. 1950,
c. 167, s. 78,
amended

20. Section 78 of *The Highway Traffic Act* is amended by striking out "The provisions of this Part and of" in the first line and inserting in lieu thereof "Section 75 and", so that the section shall read as follows:

Exemption
as to non-
residents

78. Section 75 and subsection 1 of section 21 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

R.S.O. 1950,
c. 167, s. 97,
subs. 3
(1957, c. 44,
s. 19),
re-enacted

21. Subsection 3 of section 97 of *The Highway Traffic Act*, as enacted by section 19 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

Fee to be
paid by
uninsured
owners on
issue or
transfer of
permit
R.S.O. 1950,
c. 183

(3) Unless the owner of a motor vehicle,

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses *a* and *b* of section 86; or
- (b) has given a bond as required by clause *b* of subsection 1 of section 87; or
- (c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 87; or
- (d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 87; or
- (e) is a government or other body or person exempt from paying registration fees under the regulations or a municipality,

upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a further fee

SECTION 20. The amendment is to make it clear that a non-resident who is exempted from obtaining an operator's licence in Ontario must nevertheless produce his driver's licence when demanded, as required under section 76 of the Act.

SECTION 21. The amendment provides that owners who have deposited a bond or security as proof of financial responsibility with the Department and governments are owners who for the purposes of this provision are insured. The amendment also provides that the fee of \$5 may be changed by regulation.

SECTION 22. The present procedure of applying to the court for payment out of the Fund and establishing compliance with the Act in detail is replaced by the more direct and less cumbersome plan of filing an affidavit with the Minister of Highways. Should any matter of doubt arise, the Minister may apply to the court for a determination.

Subsection 1. The re-enactment of subsection 1 gives effect to the new principle of paying out on application made directly to the Minister once judgment is obtained.

Subsection 2 of section 98 permits the Minister to refer any doubtful point to the court for determination. It is anticipated that this will occur only rarely as, for instance, in the case of a non-resident claiming residence here.

Subsection 3 of section 98 retains the requirement that all persons who might reasonably be liable must be sued.

Subsection 4 of section 98 retains the principle that no moneys will be paid out of the Fund, either directly or indirectly, to insurance companies.

of \$5 or such other fee as may be prescribed by the Lieutenant-Governor in Council which shall be paid into and form part of the Unsatisfied Judgment Fund.

22.—(1) Subsection 1, subsection 1a as enacted by sub-R.S.O. 1950, c. 167, s. 98, subs. 1, 2-4, re-enacted; subs. 1a (1953, c. 46, s. 20, subs. 1), repealed section 1 of section 20 of *The Highway Traffic Amendment Act, 1953* and amended by subsection 1 of section 20 of *The Highway Traffic Amendment Act, 1957*, subsections 2 and 3, and subsection 4 as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1953*, of section 98 of *The Highway Traffic Act* are repealed and the following substituted therefor:

- (1) Subject to section 99, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals, he may apply for and the Minister shall pay to him the amount of the judgment or of the unsatisfied portion thereof out of the Fund upon the deposit with the Minister of an affidavit of the judgment debtor in the form prescribed by the Lieutenant-Governor in Council. Application for payment out of Fund
- (2) Where an application to the Minister is made under subsection 1, the Minister may at any time within thirty days of the receipt of such application apply by way of originating notice to a judge of the Supreme Court for a finding or determination with respect to any matter in connection with the application for payment out of the Fund. Determination re application by judge
- (3) The Minister shall not pay any amount out of the Fund in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal. All persons reasonably liable to be sued
- (4) No application shall be made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment which is Applications by insurers prohibited R.S.O. 1950, c. 183

payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

R.S.O. 1950,
c. 167, s. 98,
subs. 5,
amended

(2) Subsection 5 of the said section 98, as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out "under an order" in the first and second lines.

R.S.O. 1950,
c. 167, s. 98,
subs. 6,
amended

(3) Subsection 6 of the said section 98 is amended by striking out "including costs of the application made under this section" in the second line.

R.S.O. 1950,
c. 167, s. 98,
subs. 7,
amended

(4) Subsection 7 of the said section 98 is amended by striking out "an order made under this section directs" in the second line and inserting in lieu thereof "an application under this section is for" and by striking out "directed" in the seventh line, so that the subsection shall read as follows:

Idem

(7) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment to be paid out of the Fund bears to the total amount of the judgment.

R.S.O. 1950,
c. 167, s. 98,
amended

(5) The said section 98 is amended by adding thereto the following subsection:

Solicitor's
fee

(8) Where a solicitor has completed the affidavit referred to in subsection 1 and the assignment of judgment and has issued execution and filed it with the sheriff, he shall be entitled to a fee of \$25 and actual disbursements out of the Fund.

R.S.O. 1950,
c. 167, s. 100,
subs. 1,
amended

23. Subsection 1 of section 100 of *The Highway Traffic Act* is amended by striking out "in compliance with an order made" in the second line.

R.S.O. 1950,
c. 167, s. 101,
cl. a,
amended

24.—(1) Clause *a* of section 101 of *The Highway Traffic Act* is amended by striking out "together with interest thereon

Subsections 2, 3 and 4. Complementary minor amendments are made to bring other provisions into line with the new principle.

Subsection 5. The new subsection 8 provides a fee of \$25 to a lawyer who completes the papers that are to be filed with the Minister.

SECTION 23. This amendment is complementary to section 22 of the Bill.

SECTION 24. Section 101 provides for the suspension of the driving privilege of a person indebted to the Fund until such time as he has repaid in full the amount paid out of the Fund together with 4 per cent interest. The amendment deletes the requirement for the payment of interest.

SECTION 25. The proposed amendment does not change the one-year limitation period in which to bring the law suit but merely assures the Registrar of Motor Vehicles of sufficient notice in order to investigate the accident. The section in its present form permits a practice of notifying the Registrar just prior to the expiry of the one-year limitation period and since the law suit must be commenced within the year it is usual for the court to grant the applicant leave to give short notice and as a result the Registrar is seriously prejudiced, not being afforded any opportunity to investigate.

SECTION 26. Self-explanatory.

SECTION 27. The new section provides for licensing and regulating driving instructors.

at four per cent per annum from the date of such payment" in the second and third lines, so that the clause shall read as follows:

(a) repaid in full to the Fund the amount paid out; and

.

(2) Subsection 1 does not affect any interest accrued up to the day this section comes into force. Effect of
subs. 1

25. Subsection 1 of section 102 of *The Highway Traffic Act* is amended by adding after "notice" in the seventh line "provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950,
c. 167, s. 102,
subs. 1,
amended

(1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of Motor Vehicles, apply by way of originating notice, provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar, Where
identity of
vehicle
cannot be
established

.

26. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 167,
amended

114. The Lieutenant-Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Department to show cause why his licence should not be cancelled or suspended. Demerit
point
system

27. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 167,
amended

115.—(1) In this section, "driving instructor" means a person who teaches persons to operate motor vehicles and receives compensation therefor. Driving
instructor
defined

Regulations

- (2) The Lieutenant-Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

Conflict
between
section and
by-law

- (3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this Act and the regulations prevail.

1957, c. 44,
s. 9, subs. 4,
repealed

28.—(1) Subsection 4 of section 9 of *The Highway Traffic Amendment Act, 1957* is repealed.

1957, c. 44,
s. 23,
subs. 3,
repealed

(2) Subsection 3 of section 23 of *The Highway Traffic Amendment Act, 1957* is repealed.

Commence-
ment

29. Sections 7 and 8, subsection 3 of section 9, and sections 11, 17, 18 and 24 come into force on the day this Act receives Royal Assent.

Short title

30. This Act may be cited as *The Highway Traffic Amendment Act, 1958*.

SECTION 28. Complementary to subsection 7 of section 12 of this Bill.



An Act to amend
The Highway Traffic Act

1st Reading

March 4th, 1958

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Traffic Act

MR. ALLAN (Haldimand-Norfolk)

(Reprinted as amended by the Committee on Highway Safety)

EXPLANATORY NOTES

SECTION 1—Subsections 1, 2. The references to Department and Minister are changed from Highways to Transport in accordance with *The Department of Transport Act, 1957*.

Subsection 3. The amendment excludes self-propelled implements of husbandry from the definition of motor vehicle.

Subsection 4. "Roadway" is defined for the purposes of the Act.

"Urban area" is defined for the purpose of reducing speed in such areas to 40 miles per hour under the proposed amendment to subsection 1 of section 28. (See section 9 of this Bill.)

BILL

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *e*,
re-enacted

(*e*) "Department" means Department of Transport.

(2) Clause *l* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *l*,
re-enacted

(*l*) "Minister" means Minister of Transport.

(3) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "tractor" in the sixth line "self-propelled implement of husbandry", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *m*,
amended

(*m*) "motor vehicle" includes automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

(4) Subsection 1 of the said section 1 is amended by adding thereto the following clauses:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
amended

(*tt*) "roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

.

(*ww*) "urban area" means the territory contiguous to a highway not within a city, town, village, police village or built-up area that is occupied by dwellings, buildings used for business purposes, schools or churches at intervals of less than 100 feet for a distance of a quarter of a mile or more and that is marked by signs displayed as required by the regulations.

R.S.O. 1950,
c. 167, s. 2,
subs. 2,
amended

2. Subsection 2 of section 2 of *The Highway Traffic Act* is amended by inserting after "Minister" in the second line "and Deputy Minister" and by adding at the end thereof "or Deputy Minister", so that the subsection shall read as follows:

Duties

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister or Deputy Minister.

R.S.O. 1950,
c. 167,
amended

3. *The Highway Traffic Act* is amended by renumbering section 2a, as enacted by section 2 of *The Highway Traffic Amendment Act, 1957*, as section 2b and by adding thereto the following section:

Deputy
Registrar

2a. There shall be a Deputy Registrar appointed by the Lieutenant-Governor in Council who shall have all the powers and may perform all the duties of the Registrar.

R.S.O. 1950,
c. 167, s. 10,
subs. 7,
amended

4.—(1) Subsection 7 of section 10 of *The Highway Traffic Act* is amended by inserting after "green" in the sixth line "or amber", so that the subsection shall read as follows:

Side marker
lamps

(7) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or com-

SECTION 2. At present, the Registrar acts under the instructions of the Minister. The amendment provides that he shall also carry out the instructions of the Deputy Minister.

SECTION 3. The new section provides for a Deputy Registrar.

SECTION 4—Subsection 1. The amendment provides that side marker lamps required on the front of motor vehicles may display an amber light as well as a green light.

Subsection 2. Self-explanatory.

SECTION 5. At present, a motor vehicle is required to be equipped with a muffler. The amendment provides that it must be in good working order at all times and that the engine must be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

SECTION 6. Self-explanatory.

SECTION 7. Subsection 4 provides that a licence may not be issued to a chauffeur unless he files with the Department a certificate as to his character and a chief constable may furnish such a certificate. The amendment authorizes the chief constable to delegate this power to any constable.

bination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 10,
amended

(9a) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp. Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

5. Subsection 1 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 17,
subs. 1,
re-enacted

(1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle. Muffler

(1a) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Fumes from
engine

6. Section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 19,
amended

(3a) No vehicle, including load or contents, shall have a greater height than 13 feet 6 inches. Height of
vehicles

7. Section 21 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 21,
amended

(4a) The chief constable of a municipality may authorize any constable on the police force of the municipality to furnish certificates under subsection 4. Chief
constable
may delegate
authority
under sub-
section 4

R.S.O. 1950,
c. 167, s. 25,
subs. 2,
amended

8. Subsection 2 of section 25 of *The Highway Traffic Act* is amended by striking out "and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

Unlawful
possession
of permit

- (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days.

R.S.O. 1950,
c. 167, s. 28,
subs. 1, cl. a,
subcls. i, ii,
re-enacted

9.—(1) Subclauses i and ii of clause a of subsection 1 of section 28 of *The Highway Traffic Act* are repealed and the following substituted therefor:

- (i) upon a highway not within a city, town, village, police village, built-up area or urban area, or
- (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled-access highway under *The Highway Improvement Act, 1957*, whether or not such highway is within a city, town, village, police village, built-up area or urban area.

1957, c. 43

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

(2) Subsection 1 of the said section 28, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following clause:

- (bb) subject to clause a, 40 miles per hour upon a highway within an urban area.

R.S.O. 1950,
c. 167, s. 28,
subss. 2b, 3
(1954, c. 35,
s. 5, subs. 2),
re-enacted

(3) Subsection 2b, as enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, and subsection 3, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954* and amended by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1956*, of the said section 28 are repealed and the following substituted therefor:

increase in
built-up
area or
urban area

- (2b) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven upon a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 for motor vehicles driven upon a highway within a built-up area or urban area, but such increased rate of speed shall not be more than 50 miles per hour.

SECTION 8. The amendment deletes the provisions requiring forfeiture of a motor vehicle.

SECTION 9—Subsections 1 and 2. The amendment provides for a 40-mile per hour limit upon highways in an urban area as defined in section 1 of this Bill.

Subsection 3. The amendment authorizes the council of a township or county to prescribe a higher rate of speed than 30 miles per hour in a built-up area or 40 miles per hour in an urban area with respect to highways under their respective jurisdiction but no such increase shall be in excess of 50 miles per hour.

Subsection 4. The amendment authorizes the Lieutenant-Governor in Council to regulate speeds on the King's Highway whether or not the King's Highway is within a city, town, village, police village, built-up area or urban area.

SECTION 10. At present, the licence of a person convicted for driving carelessly may be suspended for a period of not more than one year. The amendment increases this period to two years.

SECTION 11. The amendment increases the gross weight allowed for a vehicle of three axles and conversion units from 38,000 to 40,000 pounds.

- (2c) No by-law passed under subsection 1a, 2a or 2b shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department. ^{approval of by-laws}
- (3) Subsections 1, 1a, 2, 2a, 2b, 3a and 3b shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. ^{fire department vehicles}
- (4) Subsection 3b of the said section 28, as re-enacted by subsection 2 of section 6 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: ^{R.S.O. 1950, c. 167, s. 28, subs. 3b (1957, c. 44, s. 6, subs. 2), re-enacted}
- (3b) The Lieutenant-Governor in Council may make regulations prescribing a higher or lower rate of speed than the rate of speed prescribed in this Act or any by-law for any class or classes of motor vehicles upon the King's Highway or any part thereof whether or not the King's Highway or the part thereof is within a city, town, village, police village, built-up area or urban area, and such rate of speed may be different for any period or periods of the day or night. ^{on King's Highway}
- 10.** Subsection 1 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "one year" in the ninth line and inserting in lieu thereof "two years", so that the subsection shall read as follows: ^{R.S.O. 1950, c. 167, s. 29 (1955, c. 29, s. 4), subs. 1, amended}
- (1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than two years. ^{Careless driving}
- 11.—**(1) Clause b of subsection 2 of section 34 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "38,000" in the fifth line and inserting in lieu thereof "40,000", so that the clause shall read as follows: ^{R.S.O. 1950, c. 167, s. 34, subs. 2 (1955, c. 29, s. 5), cl. b, amended}
- (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on ^{As to weight upon three axles}

the rear axle remains constant shall not exceed 40,000 pounds and the weight on one axle shall not exceed 16,000 pounds.

R.S.O. 1950,
c. 167, s. 34,
subs. 2
(1955, c. 29,
s. 5), cl. c,
amended

(2) Clause *c* of subsection 2 of the said section 34 is amended by striking out "38,000" in the sixth line and inserting in lieu thereof "40,000", so that the clause shall read as follows:

As to
weight of
conversion-
unit and
two-axle
vehicle

(c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 40,000 pounds.

R.S.O. 1950,
c. 167, s. 41,
subs. 1,
amended

12.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954*, subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1955* and subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out the first four lines and inserting in lieu thereof the following:

Right-of-way

(1) Subject to subsections 3 and 3a, a driver or operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right-of-way to the vehicle on the right.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. c,
amended

(2) Clause *c* of subsection 2 of the said section 41 is amended by striking out "immediately before entering the nearest crosswalk at the intersection" in the fifth and sixth lines and inserting in lieu thereof "at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection", so that the clause shall read as follows:

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green

SECTION 12—Subsection 1. Subsection 1 provides a general right-of-way rule. The amendment is to make it clear that this general rule is subject to the provision dealing with the duties of a driver on approaching a yield right-of-way sign.

Subsection 2. The amendment requires a driver to stop at a red light first at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection.

Subsection 3. At present, a pedestrian may cross the roadway against a red light if he can do so safely and without interfering with traffic. The amendment provides that he cannot enter the roadway until a green light is shown.

Subsection 4. The amendment authorizes the use of "wait", "walk" pedestrian control signals and prescribes the rules that apply in connection therewith.

Subsection 5. The amendment is to bring the provisions with regard to stopping at a stop sign in line with those with regard to stopping at a red light and to provide that when a driver is required to yield the right-of-way he shall do so with regard to all traffic in the intersection and not just to vehicles as now provided.

light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

(3) Subclause ii of clause *f* of subsection 2 of the said section 41 is amended by striking out "unless he can do so with safety and without interfering with vehicular traffic" in the fifth, sixth and seventh lines and inserting in lieu thereof "until a green light only is shown", so that the subclause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. *f*,
subcl. ii,
amended

- (ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights shall not enter the roadway until a green light only is shown.

(4) The said section 41 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 167, s. 41,
amended

(2a) Notwithstanding clause *f* of subsection 2,

Pedestrian
control
signals

- (a) when a "walk" pedestrian control signal is shown, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right-of-way over all vehicles;

- (b) when a "wait" or "don't walk" pedestrian control signal is shown,

- (i) a pedestrian facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown,

- (ii) a pedestrian proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(5) Subsection 3 of the said section 41, as re-enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1957, c. 44,
s. 9, subs. 3),
re-enacted

- (3) The driver or operator of a vehicle or car of an electric railway,

Full stop
at through
highway

- (a) upon approaching a stop sign at the entrance to a through highway shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) upon entering the through highway shall yield the right-of-way to traffic in the intersection or approaching on the through highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

R.S.O. 1950,
c. 167, s. 41,
subs. 3a
(1956, c. 29,
s. 8, subs. 1),
re-enacted

(6) Subsection 3a of the said section 41, as enacted by subsection 1 of section 8 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Yield
right-of-way
signs

- (3a) The driver or operator of a vehicle or car of an electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause a of subsection 3 and shall yield the right-of-way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution.

- (a) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950,
c. 167, s. 41,
amended

(7) The said section 41 is further amended by adding thereto the following subsections:

When driver
may pass to
right of
vehicle

- (5a) Notwithstanding subsections 10, 11, 12, 15 and 16 and subject to subsection 5b, the driver of a motor vehicle may overtake and pass to the right of another vehicle within a city, town or village only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or

Subsection 6. The yield right-of-way provisions are revised. At present, a driver approaching a yield sign cannot cross an intersection at a greater rate of speed than 15 m.p.h. The amendment provides that he must slow down to a speed reasonable for existing conditions and stop if necessary.

Subsection 7. The new subsections provide for passing on the right of another vehicle within a city, town or village as indicated.

Subsection 8. The amendment is to make it clear that passing on the right is permitted when overtaking another vehicle not only when such vehicle is about to make a left turn but also when the driver has signalled his intention to make a left turn.

Subsection 9. The amendment prohibits persons riding on roller skates, skis, sleds, etc., from clinging to a street car or vehicle upon a roadway.

Subsection 10. The amendment makes it an offence for any person to open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with other persons or vehicles and also makes it an offence to leave a door open on the side of the vehicle available to moving traffic longer than is necessary to load or unload passengers.

- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

(5b) The driver of a motor vehicle shall not overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the roadway. May pass to right only under safe conditions

(8) Subsection 11 of the said section 41 is amended by adding at the end thereof "or its driver has signalled his intention to make a left turn", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 41, subs. 11, amended

(11) Any person so overtaking another vehicle or horse-man shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if the other vehicle is making or about to make a left turn or its driver has signalled his intention to make a left turn. Vehicles or horsemen overtaking others

(9) Subsection 13 of the said section 41 is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 13, re-enacted

(13) A person riding upon a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car upon a roadway. Clinging to vehicles

(10) The said section 41 is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 41, amended

- (19b) No person shall, Opening of doors of motor vehicles
- (a) open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or
 - (b) leave a door of a motor vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

R.S.O. 1950, c. 167, s. 47a
(1956, c. 29, s. 10),
re-enacted **13.** Section 47a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Littering
highway
prohibited

47a. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway and is liable for a first offence to a penalty of not less than \$5 and not more than \$50; for a second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200 and in addition his licence or permit may be suspended for a period of not more than sixty days.

R.S.O. 1950, c. 167, s. 49,
amended

14.—(1) Section 49 of *The Highway Traffic Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

Motor
owner and
driver liable
for penalties

(1) Subject to subsection 2, the owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

R.S.O. 1950, c. 167, s. 49,
amended

(2) The said section 49 is further amended by adding thereto the following subsection:

Owner when
not driver
not liable
for penalties

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any violation of section 28, 29, 30, 31, 32, 41, 41a, 41b, 42, 45, 46 or 110 or any regulation or by-law made or passed thereunder.

R.S.O. 1950, c. 167, s. 54a
(1957, c. 44, s. 11),
re-enacted

15. Section 54a of *The Highway Traffic Act*, as re-enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

54a. Subject to section 54b, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

SECTION 13. The amendment increases the penalty for littering the highway and brings it in line with the general penalties provided for elsewhere in the Act.

SECTION 14. At present, section 49 of the Act makes the owner liable for the penalties provided for violations except when the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent. The amendment provides that the driver and not the owner shall be liable for the penalties provided for moving violations such as speeding, careless driving and generally the rules of the road.

SECTION 15. The amendment increases the penalty for a second or subsequent offence of driving with ability impaired.

SECTION 16. The amendment is necessary by reason of the amendment to section 54a in the previous section to this Bill.

SECTION 17. The amendment places municipal by-laws that regulate or prohibit noise, fumes or smoke from motor vehicles in the same position as by-laws regulating traffic with regard to the approval of the Department.

- (a) upon the first offence, three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

16.—(1) Subsection 1 of section 54b of *The Highway Traffic Act*, as enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is amended by inserting after "under" in the third line "clause a of", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 54b (1957, c. 44, s. 11), subs. 1, amended

- (1) Where the licence of a person is suspended for a period of one year under clause a of section 54 or of six months under clause a of section 54a by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such a person subject to such conditions as he may deem proper. Restricted licence

(2) Subsection 2 of the said section 54b is amended by inserting after "under" in the sixth line "clause a of", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 54b (1957, c. 44, s. 11), subs. 2, amended

- (2) Notwithstanding sections 21 and 75, a restricted licence issued under subsection 1 shall authorize the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause a of section 54 or for the last three-month period of the suspension under clause a of section 54a, as the case may be. Term of restricted licence

17. Subsection 1 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 60, subs. 1, re-enacted

- (1) Every provision of a municipal by-law passed by the council of a municipality, a board of com- Municipal by-laws approved

missioners of police or the trustees of a police village for,

- (a) regulating traffic on the highways; or
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

that is inconsistent with this Act, is deemed to be repealed and hereafter all by-laws passed for any of the purposes mentioned in clauses *a*, *b* and *c* shall not become operative until approved by the Department.

R.S.O. 1950,
c. 167, s. 68,
subs. 2,
repealed

18. Subsection 2 of section 68 of *The Highway Traffic Act* is repealed.

R.S.O. 1950,
c. 167, s. 71,
amended

19. Section 71 of *The Highway Traffic Act* is amended by striking out "the same calendar year" in the fourth line and inserting in lieu thereof "any twelve-month period", so that the section shall read as follows:

Interpreta-
tion

71. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first", "second", "third", or "subsequent" shall relate only to offences committed in any twelve-month period; but this shall not apply to offences under the sections referred to in subsection 1 of section 59.

R.S.O. 1950,
c. 167, s. 78,
amended

20. Section 78 of *The Highway Traffic Act* is amended by striking out "The provisions of this Part and of" in the first line and inserting in lieu thereof "Section 75 and", so that the section shall read as follows:

Exemption
as to non-
residents

78. Section 75 and subsection 1 of section 21 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

SECTION 18. The amendment repeals the provisions requiring forfeiture of a motor vehicle.

SECTION 19. At present, penalties provided for first, second, third and subsequent offences under the Act relate only to offences committed in the same calendar year. The amendment will relate them to offences committed in any twelve-month period.

SECTION 20. The amendment is to make it clear that a non-resident who is exempted from obtaining an operator's licence in Ontario must nevertheless produce his driver's licence when demanded, as required under section 76 of the Act.

SECTION 21. The amendment provides that owners who have deposited a bond or security as proof of financial responsibility with the Department and governments are owners who for the purposes of this provision are insured. The amendment also provides that the fee of \$5 may be changed by regulation.

SECTION 22. The present procedure of applying to the court for payment out of the Fund and establishing compliance with the Act in detail is replaced by the more direct and less cumbersome plan of filing an affidavit with the Minister of Highways. Should any matter of doubt arise, the Minister may apply to the court for a determination.

Subsection 1. The re-enactment of subsection 1 gives effect to the new principle of paying out on application made directly to the Minister once judgment is obtained.

21. Subsection 3 of section 97 of *The Highway Traffic Act*, R.S.O. 1950, c. 167, s. 97, as enacted by section 19 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: (1957, c. 44, s. 19), re-enacted

(3) Unless the owner of a motor vehicle,

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses *a* and *b* of section 86; or Fee to be paid by uninsured owners on issue or transfer of permit R.S.O. 1950, c. 183
- (b) has given a bond as required by clause *b* of subsection 1 of section 87; or
- (c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 87; or
- (d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 87; or
- (e) is a government or other body or person exempt from paying registration fees under the regulations or a municipality,

upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a further fee of \$5 or such other fee as may be prescribed by the Lieutenant-Governor in Council which shall be paid into and form part of the Unsatisfied Judgment Fund.

22.—(1) Subsection 1, subsection 1*a* as enacted by sub- R.S.O. 1950, c. 167, s. 98, section 1 of section 20 of *The Highway Traffic Amendment Act, 1953* and amended by subsection 1 of section 20 of *The Highway Traffic Amendment Act, 1957*, subsections 2 and 3, and subsection 4 as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1953*, of section 98 of *The Highway Traffic Act* are repealed and the following substituted therefor: subss. 1, 2-4, re-enacted; subs. 1*a* (1953, c. 46, s. 20), subs. 1), repealed

- (1) Subject to section 99, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or Application for payment out of Fund

damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals, he may apply for and the Minister shall pay to him the amount of the judgment or of the unsatisfied portion thereof out of the Fund upon the deposit with the Minister of an affidavit of the judgment creditor in the form prescribed by the Lieutenant-Governor in Council.

Determina-
tion re
application
by judge

- (2) Where an application to the Minister is made under subsection 1, the Minister may at any time within thirty days of the receipt of such application apply by way of originating notice to a judge of the Supreme Court for a finding or determination with respect to any matter in connection with the application for payment out of the Fund.

All persons
reasonably
liable to be
sued

- (3) The Minister shall not pay any amount out of the Fund in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Applications
by insurers
prohibited

R.S.O. 1950,
c. 183

- (4) No application shall be made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

R.S.O. 1950,
c. 167, s. 98,
subs. 5,
amended

- (2) Subsection 5 of the said section 98, as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out "under an order" in the first and second lines.

R.S.O. 1950,
c. 167, s. 98,
subs. 6,
amended

- (3) Subsection 6 of the said section 98 is amended by striking out "including costs of the application made under this section" in the second line.

Subsection 2 of section 98 permits the Minister to refer any doubtful point to the court for determination. It is anticipated that this will occur only rarely as, for instance, in the case of a non-resident claiming residence here.

Subsection 3 of section 98 retains the requirement that all persons who might reasonably be liable must be sued.

Subsection 4 of section 98 retains the principle that no moneys will be paid out of the Fund, either directly or indirectly, to insurance companies.

Subsections 2, 3 and 4. Complementary minor amendments are made to bring other provisions into line with the new principle.

Subsection 5. The new subsection 8 provides a fee of \$30 to a lawyer who completes the papers that are to be filed with the Minister.

SECTION 23. This amendment is complementary to section 22 of the Bill.

SECTION 24. Section 101 provides for the suspension of the driving privilege of a person indebted to the Fund until such time as he has repaid in full the amount paid out of the Fund together with 4 per cent interest. The amendment deletes the requirement for the payment of interest.

SECTION 25. The proposed amendment does not change the one-year limitation period in which to bring the law suit but merely assures the Registrar of Motor Vehicles of sufficient notice in order to investigate the accident. The section in its present form permits a practice of notifying the Registrar just prior to the expiry of the one-year limitation period and since the law suit must be commenced within the year it is usual for the court to grant the applicant leave to give short notice and as a result the Registrar is seriously prejudiced, not being afforded any opportunity to investigate.

(4) Subsection 7 of the said section 98 is amended by striking out "an order made under this section directs" in the second line and inserting in lieu thereof "an application under this section is for" and by striking out "directed" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 167, s. 98,
subs. 7,
amended

(7) Where, by reason of an action having been main- Idem
tained in part by an insurer, an application under
this section is for payment out of the Fund of only
part of the amount of the judgment obtained in the
action, the Minister shall not pay out of the Fund
more than that part of the party and party costs
of the action which bears the same proportion to the
whole of such costs as the part of the judgment to be
paid out of the Fund bears to the total amount of
the judgment.

(5) The said section 98 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 167, s. 98,
amended

(8) Where a solicitor has completed the affidavit referred to in subsection 1 and the assignment of judgment and has issued execution and filed it with the sheriff, he shall be entitled to a fee of \$30 out of the Fund, and such fee shall include disbursements. Solicitor's fee

23. Subsection 1 of section 100 of *The Highway Traffic Act* is amended by striking out "in compliance with an order made" in the second line.

R.S.O. 1950,
c. 167, s. 100,
subs. 1,
amended

24.—(1) Clause *a* of section 101 of *The Highway Traffic Act* is amended by striking out "together with interest thereon at four per cent per annum from the date of such payment" in the second and third lines, so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 101,
cl. a,
amended

(a) repaid in full to the Fund the amount paid out; and

.

(2) Subsection 1 does not affect any interest accrued up to the day this section comes into force.

Effect of
subs. 1

25. Subsection 1 of section 102 of *The Highway Traffic Act* is amended by adding after "notice" in the seventh line "provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950,
c. 167, s. 102,
subs. 1,
amended

Where
identity of
vehicle
cannot be
established

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of Motor Vehicles, apply by way of originating notice, provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar,

.

R.S.O. 1950,
c. 167,
amended

26. *The Highway Traffic Act* is amended by adding thereto the following section:

Demerit
point
system

114. The Lieutenant-Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Department to show cause why his licence should not be cancelled or suspended.

R.S.O. 1950,
c. 167,
amended

27. *The Highway Traffic Act* is amended by adding thereto the following section:

Driving
instructor
defined

- 115.—(1) In this section, “driving instructor” means a person who teaches persons to operate motor vehicles and receives compensation therefor.

Regulations

- (2) The Lieutenant-Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

Conflict
between
section and
by-law

- (3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this Act and the regulations prevail.

1957, c. 44,
s. 9, subs. 4,
repealed

28.—(1) Subsection 4 of section 9 of *The Highway Traffic Amendment Act, 1957* is repealed.

1957, c. 44,
s. 23,
subs. 3,
repealed

(2) Subsection 3 of section 23 of *The Highway Traffic Amendment Act, 1957* is repealed.

SECTION 26. Self-explanatory.

SECTION 27. The new section provides for licensing and regulating driving instructors.

SECTION 28. Complementary to subsection 7 of section 12 of this Bill.

29. Sections 7 and 8, subsections 3 and 4 of section 9, and sections 11, 17, 18 and 24 come into force on the day this Act receives Royal Assent. <sup>Commence-
ment</sup>

30. This Act may be cited as *The Highway Traffic Amend-ment Act, 1958*. ^{Short title}

BILL

An Act to amend
The Highway Traffic Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

MR. ATLAN (Haldimand-Norfolk)

(Reprinted as amended by the
Committee on Highway Safety)

4TH SESSION, 25TH LEGISLATURE, ONTARIO
6-7 ELIZABETH II, 1958

BILL

An Act to amend The Highway Traffic Act

MR. ALLAN (Haldimand-Norfolk)

BILL

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1.—(1) Clause *e* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *e*,
re-enacted

(*e*) "Department" means Department of Transport.

(2) Clause *l* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *l*,
re-enacted

(*l*) "Minister" means Minister of Transport.

(3) Clause *m* of subsection 1 of the said section 1 is amended by inserting after "tractor" in the sixth line "self-propelled implement of husbandry", so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
cl. *m*,
amended

(*m*) "motor vehicle" includes automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

(4) Subsection 1 of the said section 1 is amended by adding thereto the following clauses:

R.S.O. 1950,
c. 167, s. 1,
subs. 1,
amended

(*tt*) "roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;

.

(ww) "urban area" means the territory contiguous to a highway not within a city, town, village, police village or built-up area that is occupied by dwellings, buildings used for business purposes, schools or churches at intervals of less than 100 feet for a distance of a quarter of a mile or more and that is marked by signs displayed as required by the regulations.

R.S.O. 1950,
c. 167, s. 2,
subs. 2,
amended

2. Subsection 2 of section 2 of *The Highway Traffic Act* is amended by inserting after "Minister" in the second line "and Deputy Minister" and by adding at the end thereof "or Deputy Minister", so that the subsection shall read as follows:

Duties

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister or Deputy Minister.

R.S.O. 1950,
c. 167,
amended

3. *The Highway Traffic Act* is amended by renumbering section 2a, as enacted by section 2 of *The Highway Traffic Amendment Act, 1957*, as section 2b and by adding thereto the following section:

Deputy
Registrar

2a. There shall be a Deputy Registrar appointed by the Lieutenant-Governor in Council who shall have all the powers and may perform all the duties of the Registrar.

R.S.O. 1950,
c. 167, s. 10,
subs. 7,
amended

4.—(1) Subsection 7 of section 10 of *The Highway Traffic Act* is amended by inserting after "green" in the sixth line "or amber", so that the subsection shall read as follows:

Side marker
lamps

(7) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or com-

ination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(2) The said section 10 is amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 10,
amended

(9a) A volunteer fire fighter under *The Fire Departments Act* may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters "V.F.F.", which lamp shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp. Vehicles of
volunteer
fire fighters
R.S.O. 1950,
c. 138

5. Subsection 1 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 167, s. 17,
subs. 1,
re-enacted

(1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle.

(1a) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. Fumes from
engine

6. Section 19 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 19,
amended

(3a) No vehicle, including load or contents, shall have a greater height than 13 feet 6 inches. Height of
vehicles

7. Section 21 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1953*, is further amended by adding thereto the following subsection: R.S.O. 1950,
c. 167, s. 21,
amended

(4a) The chief constable of a municipality may authorize any constable on the police force of the municipality to furnish certificates under subsection 4. Chief
constable
may delegate
authority
under sub-
section 4

R.S.O. 1950,
c. 167, s. 25,
subs. 2,
amended

8. Subsection 2 of section 25 of *The Highway Traffic Act* is amended by striking out "and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario" in the seventh, eighth and ninth lines, so that the subsection shall read as follows:

Unlawful
possession
of permit

- (2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for a term of not more than thirty days.

R.S.O. 1950,
c. 167, s. 28,
subs. 1, cl. a,
subs. 1, ii,
re-enacted

9.—(1) Subclauses i and ii of clause a of subsection 1 of section 28 of *The Highway Traffic Act* are repealed and the following substituted therefor:

- (i) upon a highway not within a city, town, village, police village, built-up area or urban area, or
- (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled-access highway under *The Highway Improvement Act, 1957*, whether or not such highway is within a city, town, village, police village, built-up area or urban area.

1957, c. 43

R.S.O. 1950,
c. 167, s. 28,
subs. 1,
amended

(2) Subsection 1 of the said section 28, as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1954*, is further amended by adding thereto the following clause:

- (bb) subject to clause a, 40 miles per hour upon a highway within an urban area.

R.S.O. 1950,
c. 167, s. 28,
subss. 2b, 3,
(1954, c. 35,
s. 5, subs. 2),
re-enacted

(3) Subsection 2b, as enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, and subsection 3, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954* and amended by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1956*, of the said section 28 are repealed and the following substituted therefor:

increase in
built-up
area or
urban area

- (2b) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven upon a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 for motor vehicles driven upon a highway within a built-up area or urban area, but such increased rate of speed shall not be more than 50 miles per hour.

- (2c) No by-law passed under subsection 1a, 2a or 2b shall become effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations of the Department. approval of by-laws
- (3) Subsections 1, 1a, 2, 2a, 2b, 3a and 3b shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. fire department vehicles
- (4) Subsection 3b of the said section 28, as re-enacted by subsection 2 of section 6 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 28, subs. 3b (1957, c. 44, s. 6, subs. 2), re-enacted
- (3b) The Lieutenant-Governor in Council may make regulations prescribing a higher or lower rate of speed than the rate of speed prescribed in this Act or any by-law for any class or classes of motor vehicles upon the King's Highway or any part thereof whether or not the King's Highway or the part thereof is within a city, town, village, police village, built-up area or urban area, and such rate of speed may be different for any period or periods of the day or night. on King's Highway
- 10.** Subsection 1 of section 29 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "one year" in the ninth line and inserting in lieu thereof "two years", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 29 (1955, c. 29, s. 4), subs. 1, amended
- (1) Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and shall be liable to a penalty of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than two years. Careless driving
- 11.—**(1) Clause b of subsection 2 of section 34 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "38,000" in the fifth line and inserting in lieu thereof "40,000", so that the clause shall read as follows: R.S.O. 1950, c. 167, s. 34, subs. 2 (1955, c. 29, s. 5), cl. b, amended
- (b) The gross weight of a vehicle of three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on As to weight upon three axles

the rear axle remains constant shall not exceed 40,000 pounds and the weight on one axle shall not exceed 16,000 pounds.

R.S.O. 1950,
c. 167, s. 34,
subs. 2
(1955, c. 29,
s. 5), cl. c,
amended

(2) Clause *c* of subsection 2 of the said section 34 is amended by striking out "38,000" in the sixth line and inserting in lieu thereof "40,000", so that the clause shall read as follows:

As to
weight of
conversion-
unit and
two-axle
vehicle

- (c) When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in clause *b* is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 40,000 pounds.

R.S.O. 1950,
c. 167, s. 41,
subs. 1,
amended

12.—(1) Subsection 1 of section 41 of *The Highway Traffic Act*, as amended by subsections 1 and 2 of section 7 of *The Highway Traffic Amendment Act, 1951*, section 10 of *The Highway Traffic Amendment Act, 1953*, subsections 1, 2, 3 and 4 of section 6 of *The Highway Traffic Amendment Act, 1954*, subsection 1 of section 6 of *The Highway Traffic Amendment Act, 1955* and subsection 1 of section 9 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out the first four lines and inserting in lieu thereof the following:

Right-of-way

- (1) Subject to subsections 3 and 3*a*, a driver or operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right-of-way to the vehicle on the right.

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. c,
amended

(2) Clause *c* of subsection 2 of the said section 41 is amended by striking out "immediately before entering the nearest crosswalk at the intersection" in the fifth and sixth lines and inserting in lieu thereof "at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection", so that the clause shall read as follows:

- (c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green

light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

(3) Subclause ii of clause *f* of subsection 2 of the said section 41 is amended by striking out "unless he can do so with safety and without interfering with vehicular traffic" in the fifth, sixth and seventh lines and inserting in lieu thereof "until a green light only is shown", so that the subclause shall read as follows:

R.S.O. 1950,
c. 167, s. 41,
subs. 2, cl. *f*,
subcl. ii,
amended

- (ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights shall not enter the roadway until a green light only is shown.

(4) The said section 41 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 167, s. 41,
amended

(2a) Notwithstanding clause *f* of subsection 2,

Pedestrian
control
signals

(a) when a "walk" pedestrian control signal is shown, a pedestrian facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right-of-way over all vehicles;

(b) when a "wait" or "don't walk" pedestrian control signal is shown,

(i) a pedestrian facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown,

(ii) a pedestrian proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has a right-of-way for that purpose over all vehicles.

(5) Subsection 3 of the said section 41, as re-enacted by subsection 3 of section 9 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

R.S.O. 1950,
c. 167, s. 41,
subs. 3
(1957, c. 44,
s. 9, subs. 3),
re-enacted

(3) The driver or operator of a vehicle or car of an electric railway,

Full stop
at through
highway

- (a) upon approaching a stop sign at the entrance to a through highway shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) upon entering the through highway shall yield the right-of-way to traffic in the intersection or approaching on the through highway so closely that it constitutes an immediate hazard and having so yielded the right-of-way may proceed with caution and the traffic approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

R.S.O. 1950, c. 167, s. 41, subs. 3a (1956, c. 29, s. 8, subs. 1), 1956, is repealed and the following substituted therefor:

Yield
right-of-way
signs

- (3a) The driver or operator of a vehicle or car of an electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause a of subsection 3 and shall yield the right-of-way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution.

- (a) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department.

R.S.O. 1950, c. 167, s. 41, amended (7) The said section 41 is further amended by adding thereto the following subsections:

When driver
may pass to
right of
vehicle

- (5a) Notwithstanding subsections 10, 11, 12, 15 and 16 and subject to subsection 5b, the driver of a motor vehicle may overtake and pass to the right of another vehicle within a city, town or village only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or

(b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or

(c) upon a highway designated for the use of one-way traffic only.

(5b) The driver of a motor vehicle shall not overtake and pass to the right of another vehicle where such movement cannot be made in safety and in no event shall a driver make such movement by driving off the roadway. May pass to right only under safe conditions

(8) Subsection 11 of the said section 41 is amended by adding at the end thereof "or its driver has signalled his intention to make a left turn", so that the subsection shall read as follows: R.S.O. 1950, c. 167, s. 41, subs. 11, amended

(11) Any person so overtaking another vehicle or horse-man shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if the other vehicle is making or about to make a left turn or its driver has signalled his intention to make a left turn. Vehicles or horsemen overtaking others

(9) Subsection 13 of the said section 41 is repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 41, subs. 13, re-enacted

(13) A person riding upon a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car upon a roadway. Clinging to vehicles

(10) The said section 41 is further amended by adding thereto the following subsection: R.S.O. 1950, c. 167, s. 41, amended

(19b) No person shall, Opening of doors of motor vehicles

(a) open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or

(b) leave a door of a motor vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

R.S.O. 1950, c. 167, s. 47^a (1956, c. 29, s. 10), re-enacted **13.** Section 47a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1956*, is repealed and the following substituted therefor:

Littering
highway
prohibited

47a. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway and is liable for a first offence to a penalty of not less than \$5 and not more than \$50; for a second offence to a penalty of not less than \$10 and not more than \$100; and for any subsequent offence to a penalty of not less than \$20 and not more than \$200 and in addition his licence or permit may be suspended for a period of not more than sixty days.

R.S.O. 1950, c. 167, s. 49, amended

14.—(1) Section 49 of *The Highway Traffic Act* is amended by adding at the commencement thereof "Subject to subsection 2", so that subsection 1 of the said section shall read as follows:

Motor
owner and
driver liable
for penalties

(1) Subject to subsection 2, the owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

R.S.O. 1950, c. 167, s. 49, amended

(2) The said section 49 is further amended by adding thereto the following subsection:

Owner when
not driver
not liable
for penalties

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any violation of section 28, 29, 30, 31, 32, 41, 41a, 41b, 42, 45, 46 or 110 or any regulation or by-law made or passed thereunder.

R.S.O. 1950, c. 167, s. 54^a (1957, c. 44, s. 11), re-enacted

15. Section 54a of *The Highway Traffic Act*, as re-enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

54a. Subject to section 54b, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

16.—(1) Subsection 1 of section 54b of *The Highway Traffic Act*, as enacted by section 11 of *The Highway Traffic Amendment Act, 1957*, is amended by inserting after "under" in the third line "clause a of", so that the subsection shall read as follows: R.S.O. 1950,
c. 167, s. 54b
(1957, c. 44,
s. 11),
subs. 1,
amended

- (1) Where the licence of a person is suspended for a period of one year under clause a of section 54 or of six months under clause a of section 54a by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such a person subject to such conditions as he may deem proper. Restricted
licence

(2) Subsection 2 of the said section 54b is amended by inserting after "under" in the sixth line "clause a of", so that the subsection shall read as follows: R.S.O. 1950,
c. 167, s. 54b
(1957, c. 44,
s. 11),
subs. 2,
amended

- (2) Notwithstanding sections 21 and 75, a restricted licence issued under subsection 1 shall authorize the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause a of section 54 or for the last three-month period of the suspension under clause a of section 54a, as the case may be. Term of
restricted
licence

17. Subsection 1 of section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1950
c. 167, s. 60,
subs. 1,
re-enacted

- (1) Every provision of a municipal by-law passed by the council of a municipality, a board of com- Municipal
by-laws
approved

missioners of police or the trustees of a police village for,

- (a) regulating traffic on the highways; or
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

that is inconsistent with this Act, is deemed to be repealed and hereafter all by-laws passed for any of the purposes mentioned in clauses *a*, *b* and *c* shall not become operative until approved by the Department.

R.S.O. 1950,
c. 167, s. 68,
subs. 2,
repealed

18. Subsection 2 of section 68 of *The Highway Traffic Act* is repealed.

R.S.O. 1950,
c. 167, s. 71,
amended

19. Section 71 of *The Highway Traffic Act* is amended by striking out "the same calendar year" in the fourth line and inserting in lieu thereof "any twelve-month period", so that the section shall read as follows:

Interpreta-
tion

71. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words "first", "second", "third", or "subsequent" shall relate only to offences committed in any twelve-month period; but this shall not apply to offences under the sections referred to in subsection 1 of section 59.

R.S.O. 1950,
c. 167, s. 78,
amended

20. Section 78 of *The Highway Traffic Act* is amended by striking out "The provisions of this Part and of" in the first line and inserting in lieu thereof "Section 75 and", so that the section shall read as follows:

Exemption
as to non-
residents

78. Section 75 and subsection 1 of section 21 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs.

21. Subsection 3 of section 97 of *The Highway Traffic Act*, R.S.O. 1950, c. 167, s. 97, as enacted by section 19 of *The Highway Traffic Amendment Act, 1957*, is repealed and the following substituted therefor: subs. 3 (1957, c. 44, s. 19), re-enacted

(3) Unless the owner of a motor vehicle,

(a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses *a* and *b* of section 86; or

Fee to be paid by uninsured owners on issue or transfer of permit R.S.O. 1950, c. 183

(b) has given a bond as required by clause *b* of subsection 1 of section 87; or

(c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause *c* of subsection 1 of section 87; or

(d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 87; or

(e) is a government or other body or person exempt from paying registration fees under the regulations or a municipality,

upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a further fee of \$5 or such other fee as may be prescribed by the Lieutenant-Governor in Council which shall be paid into and form part of the Unsatisfied Judgment Fund.

22.—(1) Subsection 1, subsection 1*a* as enacted by sub-section 1 of section 20 of *The Highway Traffic Amendment Act, 1953* and amended by subsection 1 of section 20 of *The Highway Traffic Amendment Act, 1957*, subsections 2 and 3, and subsection 4 as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1953*, of section 98 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1950, c. 167, s. 98, subs. 1, 2-4, re-enacted; subs. 1*a* (1953, c. 46, s. 20, subs. 1), repealed

(1) Subject to section 99, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or Application for payment out of Fund

damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals, he may apply for and the Minister shall pay to him the amount of the judgment or of the unsatisfied portion thereof out of the Fund upon the deposit with the Minister of an affidavit of the judgment creditor in the form prescribed by the Lieutenant-Governor in Council.

Determina-
tion re
application
by judge

- (2) Where an application to the Minister is made under subsection 1, the Minister may at any time within thirty days of the receipt of such application apply by way of originating notice to a judge of the Supreme Court for a finding or determination with respect to any matter in connection with the application for payment out of the Fund.

All persons
reasonably
liable to be
sued

- (3) The Minister shall not pay any amount out of the Fund in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

Applications
by insurers
prohibited

R.S.O. 1950,
c. 183

- (4) No application shall be made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and no part of the amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

R.S.O. 1950,
c. 167, s. 98,
subs. 5,
amended

- (2) Subsection 5 of the said section 98, as amended by subsections 2 and 3 of section 20 of *The Highway Traffic Amendment Act, 1957*, is further amended by striking out "under an order" in the first and second lines.

R.S.O. 1950,
c. 167, s. 98,
subs. 6,
amended

- (3) Subsection 6 of the said section 98 is amended by striking out "including costs of the application made under this section" in the second line.

(4) Subsection 7 of the said section 98 is amended by striking out "an order made under this section directs" in the second line and inserting in lieu thereof "an application under this section is for" and by striking out "directed" in the seventh line, so that the subsection shall read as follows:

R.S.O. 1950,
c. 167, s. 98,
subs. 7,
amended

(7) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment to be paid out of the Fund bears to the total amount of the judgment.

(5) The said section 98 is amended by adding thereto the following subsection:

R.S.O. 1950,
c. 167, s. 98,
amended

(8) Where a solicitor has completed the affidavit referred to in subsection 1 and the assignment of judgment and has issued execution and filed it with the sheriff, he shall be entitled to a fee of \$30 out of the Fund, and such fee shall include disbursements.

Solicitor's
fee

23. Subsection 1 of section 100 of *The Highway Traffic Act* is amended by striking out "in compliance with an order made" in the second line.

R.S.O. 1950,
c. 167, s. 100,
subs. 1,
amended

24.—(1) Clause *a* of section 101 of *The Highway Traffic Act* is amended by striking out "together with interest thereon at four per cent per annum from the date of such payment" in the second and third lines, so that the clause shall read as follows:

R.S.O. 1950,
c. 167, s. 101,
cl. a,
amended

(a) repaid in full to the Fund the amount paid out; and

.

(2) Subsection 1 does not affect any interest accrued up to the day this section comes into force.

Effect of
subs. 1

25. Subsection 1 of section 102 of *The Highway Traffic Act* is amended by adding after "notice" in the seventh line "provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1950,
c. 167, s. 102,
subs. 1,
amended

Where
identity of
vehicle
cannot be
established

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of Motor Vehicles, apply by way of originating notice, provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar,

.

R.S.O. 1950,
c. 167,
amended

26. *The Highway Traffic Act* is amended by adding thereto the following section:

Demerit
point
system

114. The Lieutenant-Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Department to show cause why his licence should not be cancelled or suspended.

R.S.O. 1950,
o. 167,
amended

27. *The Highway Traffic Act* is amended by adding thereto the following section:

Driving
instructor
defined

- 115.—(1) In this section, "driving instructor" means a person who teaches persons to operate motor vehicles and receives compensation therefor.

Regulations

- (2) The Lieutenant-Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

Conflict
between
section and
by-law

- (3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this Act and the regulations prevail.

1957, c. 44,
s. 9, subs. 4,
repealed

28.—(1) Subsection 4 of section 9 of *The Highway Traffic Amendment Act, 1957* is repealed.

1957, c. 44,
s. 23,
subs. 3,
repealed

(2) Subsection 3 of section 23 of *The Highway Traffic Amendment Act, 1957* is repealed.

29. Sections 7 and 8, subsections 3 and 4 of section 9, and sections 11, 17, 18 and 24 come into force on the day this Act receives Royal Assent. <sup>Commence-
ment</sup>

30. This Act may be cited as *The Highway Traffic Amendment Act, 1958*. ^{Short title}

BILL

An Act to amend
The Highway Traffic Act

1st Reading

March 4th, 1958

2nd Reading

March 11th, 1958

3rd Reading

March 27th, 1958

Mr. ALAN (Haldimand-Norfolk)

73

